

U.S. Sentencing Commission  
Preliminary Quarterly Data Report



**2nd Quarter Release  
Preliminary Fiscal Year 2007 Data  
Through March 31, 2007**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission (USSC) provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.<sup>1</sup> In past years, data has been reported on an annual basis in the Commission's *Sourcebook* and *Annual Report*.<sup>2</sup> After the Supreme Court's decision in *U.S. v Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress<sup>3</sup> and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of the United States v. Booker on Federal Sentencing*,<sup>4</sup> based on cases sentenced one year since the *Booker* decision. Because the Report included additional analyses that had not been included in the monthly reports, not all the data presented in the Report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* in prior years or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the

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<sup>1</sup>In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Pre-Sentence Report, the Statement of Reasons, the Plea Agreement (if applicable), and the Indictment. See 28 U.S.C. § 994(w).

<sup>2</sup>See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2006 Sourcebook and Annual Report.

<sup>3</sup>See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives - February 10, 2005.

<sup>4</sup>See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the Commission's *Final Report on the Impact of U.S. v. Booker on Federal Sentencing*.

quarterly data can be compared easily with data from prior fiscal years.<sup>5</sup> In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in this initial release for the first quarter of fiscal year 2007 may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the first quarter.<sup>6</sup> Any subsequent changes in the quarterly data for the first quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Sourcebook Annual Report*. As a result, **quarterly data should not be considered final until publication of the Commission's *Sourcebook* and *Annual Report*.**

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<sup>5</sup>The Commission has tried to maintain the same table numbers and figure letters over the past several years but due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

<sup>6</sup>The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the U.S. Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

# CONTENTS

## *Information on Sentences Relative to the Guideline Range*

Table 1: National Comparison of Sentence Imposed and Position Relative to the Guideline Range .....	1
Table 2: Sentences Relative to the Guideline Range by Circuit and District .....	2
Table 3: Sentences Relative to the Guideline Range by Each Primary Offense Category .....	8
Figure A: Quarterly Data for Within Range and Out of Range Sentences .....	10
Figure B: Quarterly Data for Within Range/Government Sponsored and Other Out of Range Sentences .....	11
Table 4: Sentences Relative to the Guideline Range by Each Primary Sentencing Guideline ..	12
Table 5: Sentences Relative to the Guideline Range in Each Outside of the Range Attribution Categories .....	16
Table 6: §5K1.1 Substantial Assistance Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category .....	18
Table 7: §5K3.1 Early Disposition Program Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category .....	19
Table 8: Other Government Sponsored Below Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category .....	20
Table 9: Downward Departures from Guideline Range: Degree of Decrease for Offenders in Each Primary Offense Category .....	21
Table 10: Downward Departures with <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category .....	22
Table 11: Below Guideline Range with <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category .....	23
Table 12: All Remaining Below Guideline Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category .....	24
Table 13: Upward Departures from Guideline Range: Degree of Increase for Offenders in Each Primary Offense Category .....	25

Table 14: Upward Departures with <i>Booker</i> /18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category .....	26
Table 15: Above Guideline Range with <i>Booker</i> /18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category .....	27
Table 16: All Remaining Above Guideline Range Cases: Degree of Increase for Offenders in Each Primary Offense Category .....	28

***Sentence Imposed Information***

Table 17: Offenders Receiving Sentencing Options in Each Primary Offense Category .....	29
Table 18: Average Sentence Length in Each Primary Offense Category .....	30
Figure C: Average Sentence Length and Average Guideline Minimum Quarterly Data for All Offenders .....	31
Figure D: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2B1.1 Offenders .....	32
Figure E: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2K2.1 Offenders .....	33
Figure F: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.1 Offenders .....	34
Figure G: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.2 Offenders .....	35
Figure H: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2D1.1 Offenders .....	36
Figure I: Average Sentence Length for Each Drug Type .....	37
Table 19: Within Range Cases: Position of Sentence for Offenders in Each Primary Offense Category .....	38

***General Information (Primary Offenses, Mode of Conviction, and Document Submission)***

Figure J: Distribution of Offenders in Each Primary Offense Category .....	39
Table 20: Guideline Offenders in Each Primary Offense Category .....	40
Table 21: Guilty Pleas and Trials in Each Primary Offense Category .....	41

Table 22: Race of Offenders in Each Primary Offense Category . . . . . 42

Table 23: Gender of Offenders in Each Primary Offense Category . . . . . 43

Table 24: Age, Race, and Gender of Offenders . . . . . 44

Table 25: Citizenship of Offenders in Each Primary Offense Category . . . . . 45

Table 26: Document Submission Rate of Each Circuit and District . . . . . 46

Table 27: Rate of Submission of Statement of Reasons Form in Each Circuit and District . . . 52

***Appendices***

Appendix A: Descriptions of Datafiles and Variables

Appendix B: List of Quarterly Report Tables and Figures and their Comparable  
*Sourcebook* Number/Letter

**Table 1**

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

	N	%
<b>TOTAL CASES</b>	<b>32,567</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>20,017</b>	<b>61.5</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>490</b>	<b>1.5</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>228</b>	<b>0.7</b>
Upward Departure From Guideline Range <sup>2</sup>	155	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	73	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>262</b>	<b>0.8</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	224	0.7
All Remaining Cases Above Guideline Range <sup>5</sup>	38	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>8,150</b>	<b>25.1</b>
§5K1.1 Substantial Assistance Departure	4,715	14.5
§5K3.1 Early Disposition Program Departure	2,344	7.2
Other Government Sponsored Below Range	1,091	3.4
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>3,910</b>	<b>12.0</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,329</b>	<b>4.1</b>
Downward Departure From Guideline Range <sup>2</sup>	854	2.6
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	475	1.5
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>2,581</b>	<b>7.9</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	2,255	6.9
All Remaining Cases Below Guideline Range <sup>5</sup>	326	1.0

<sup>1</sup>This table reflects the 33,335 cases sentenced subsequent to October 1, 2006, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 1, 2007. Of these, 768 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>All cases with departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup>All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup>All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup>All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup>Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>32,567</b>	<b>20,017</b>	<b>61.5</b>	<b>155</b>	<b>0.5</b>	<b>73</b>	<b>0.2</b>	<b>224</b>	<b>0.7</b>	<b>38</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>271</b>	<b>114</b>	<b>42.1</b>	<b>1</b>	<b>0.4</b>	<b>1</b>	<b>0.4</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.4</b>
District of Columbia	271	114	42.1	1	0.4	1	0.4	0	0.0	1	0.4
<b>FIRST CIRCUIT</b>	<b>905</b>	<b>627</b>	<b>69.3</b>	<b>3</b>	<b>0.3</b>	<b>2</b>	<b>0.2</b>	<b>2</b>	<b>0.2</b>	<b>2</b>	<b>0.2</b>
Maine	88	63	71.6	0	0.0	0	0.0	0	0.0	0	0.0
Massachusetts	301	159	52.8	0	0.0	0	0.0	1	0.3	1	0.3
New Hampshire	99	52	52.5	2	2.0	0	0.0	0	0.0	0	0.0
Puerto Rico	361	315	87.3	0	0.0	1	0.3	0	0.0	1	0.3
Rhode Island	56	38	67.9	1	1.8	1	1.8	1	1.8	0	0.0
<b>SECOND CIRCUIT</b>	<b>2,031</b>	<b>1,082</b>	<b>53.3</b>	<b>5</b>	<b>0.2</b>	<b>1</b>	<b>0.0</b>	<b>5</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>
Connecticut	172	92	53.5	1	0.6	0	0.0	0	0.0	0	0.0
New York											
Eastern	494	197	39.9	1	0.2	1	0.2	3	0.6	0	0.0
Northern	196	116	59.2	0	0.0	0	0.0	1	0.5	0	0.0
Southern	712	392	55.1	1	0.1	0	0.0	1	0.1	0	0.0
Western	375	241	64.3	2	0.5	0	0.0	0	0.0	0	0.0
Vermont	82	44	53.7	0	0.0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>1,373</b>	<b>743</b>	<b>54.1</b>	<b>2</b>	<b>0.1</b>	<b>1</b>	<b>0.1</b>	<b>14</b>	<b>1.0</b>	<b>0</b>	<b>0.0</b>
Delaware	33	18	54.5	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	440	239	54.3	0	0.0	0	0.0	0	0.0	0	0.0
Pennsylvania											
Eastern	334	153	45.8	1	0.3	1	0.3	5	1.5	0	0.0
Middle	266	125	47.0	1	0.4	0	0.0	2	0.8	0	0.0
Western	255	175	68.6	0	0.0	0	0.0	5	2.0	0	0.0
Virgin Islands	45	33	73.3	0	0.0	0	0.0	2	4.4	0	0.0
<b>FOURTH CIRCUIT</b>	<b>2,827</b>	<b>2,065</b>	<b>73.0</b>	<b>18</b>	<b>0.6</b>	<b>6</b>	<b>0.2</b>	<b>15</b>	<b>0.5</b>	<b>1</b>	<b>0.0</b>
Maryland	317	162	51.1	1	0.3	1	0.3	0	0.0	1	0.3
North Carolina											
Eastern	271	176	64.9	4	1.5	1	0.4	6	2.2	0	0.0
Middle	211	165	78.2	1	0.5	0	0.0	0	0.0	0	0.0
Western	257	186	72.4	1	0.4	0	0.0	1	0.4	0	0.0
South Carolina	553	430	77.8	1	0.2	1	0.2	1	0.2	0	0.0
Virginia											
Eastern	623	496	79.6	3	0.5	1	0.2	4	0.6	0	0.0
Western	300	203	67.7	4	1.3	1	0.3	1	0.3	0	0.0
West Virginia											
Northern	150	116	77.3	3	2.0	0	0.0	2	1.3	0	0.0
Southern	145	131	90.3	0	0.0	1	0.7	0	0.0	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>4,715</b>	<b>14.5</b>	<b>2,344</b>	<b>7.2</b>	<b>1,091</b>	<b>3.4</b>	<b>854</b>	<b>2.6</b>	<b>475</b>	<b>1.5</b>	<b>2,255</b>	<b>6.9</b>	<b>326</b>	<b>1.0</b>
<b>D.C. CIRCUIT</b>	<b>85</b>	<b>31.4</b>	<b>0</b>	<b>0.0</b>	<b>26</b>	<b>9.6</b>	<b>4</b>	<b>1.5</b>	<b>13</b>	<b>4.8</b>	<b>21</b>	<b>7.7</b>	<b>5</b>	<b>1.8</b>
District of Columbia	85	31.4	0	0.0	26	9.6	4	1.5	13	4.8	21	7.7	5	1.8
<b>FIRST CIRCUIT</b>	<b>87</b>	<b>9.6</b>	<b>0</b>	<b>0.0</b>	<b>27</b>	<b>3.0</b>	<b>49</b>	<b>5.4</b>	<b>12</b>	<b>1.3</b>	<b>84</b>	<b>9.3</b>	<b>10</b>	<b>1.1</b>
Maine	11	12.5	0	0.0	0	0.0	5	5.7	2	2.3	6	6.8	1	1.1
Massachusetts	34	11.3	0	0.0	14	4.7	25	8.3	7	2.3	55	18.3	5	1.7
New Hampshire	28	28.3	0	0.0	6	6.1	6	6.1	0	0.0	4	4.0	1	1.0
Puerto Rico	12	3.3	0	0.0	6	1.7	9	2.5	2	0.6	12	3.3	3	0.8
Rhode Island	2	3.6	0	0.0	1	1.8	4	7.1	1	1.8	7	12.5	0	0.0
<b>SECOND CIRCUIT</b>	<b>397</b>	<b>19.5</b>	<b>2</b>	<b>0.1</b>	<b>40</b>	<b>2.0</b>	<b>119</b>	<b>5.9</b>	<b>90</b>	<b>4.4</b>	<b>267</b>	<b>13.1</b>	<b>23</b>	<b>1.1</b>
Connecticut	23	13.4	0	0.0	2	1.2	25	14.5	11	6.4	17	9.9	1	0.6
New York														
Eastern	117	23.7	2	0.4	17	3.4	40	8.1	41	8.3	65	13.2	10	2.0
Northern	46	23.5	0	0.0	3	1.5	17	8.7	7	3.6	6	3.1	0	0.0
Southern	99	13.9	0	0.0	12	1.7	24	3.4	27	3.8	151	21.2	5	0.7
Western	93	24.8	0	0.0	6	1.6	2	0.5	0	0.0	24	6.4	7	1.9
Vermont	19	23.2	0	0.0	0	0.0	11	13.4	4	4.9	4	4.9	0	0.0
<b>THIRD CIRCUIT</b>	<b>343</b>	<b>25.0</b>	<b>0</b>	<b>0.0</b>	<b>25</b>	<b>1.8</b>	<b>35</b>	<b>2.5</b>	<b>29</b>	<b>2.1</b>	<b>158</b>	<b>11.5</b>	<b>23</b>	<b>1.7</b>
Delaware	4	12.1	0	0.0	2	6.1	0	0.0	0	0.0	9	27.3	0	0.0
New Jersey	121	27.5	0	0.0	2	0.5	15	3.4	3	0.7	54	12.3	6	1.4
Pennsylvania														
Eastern	94	28.1	0	0.0	5	1.5	5	1.5	9	2.7	53	15.9	8	2.4
Middle	86	32.3	0	0.0	12	4.5	5	1.9	4	1.5	26	9.8	5	1.9
Western	37	14.5	0	0.0	3	1.2	10	3.9	10	3.9	14	5.5	1	0.4
Virgin Islands	1	2.2	0	0.0	1	2.2	0	0.0	3	6.7	2	4.4	3	6.7
<b>FOURTH CIRCUIT</b>	<b>467</b>	<b>16.5</b>	<b>0</b>	<b>0.0</b>	<b>22</b>	<b>0.8</b>	<b>45</b>	<b>1.6</b>	<b>40</b>	<b>1.4</b>	<b>127</b>	<b>4.5</b>	<b>21</b>	<b>0.7</b>
Maryland	94	29.7	0	0.0	7	2.2	14	4.4	9	2.8	23	7.3	5	1.6
North Carolina														
Eastern	68	25.1	0	0.0	0	0.0	1	0.4	3	1.1	9	3.3	3	1.1
Middle	32	15.2	0	0.0	1	0.5	1	0.5	1	0.5	10	4.7	0	0.0
Western	55	21.4	0	0.0	3	1.2	1	0.4	1	0.4	7	2.7	2	0.8
South Carolina	85	15.4	0	0.0	3	0.5	8	1.4	1	0.2	20	3.6	3	0.5
Virginia														
Eastern	38	6.1	0	0.0	3	0.5	12	1.9	21	3.4	37	5.9	8	1.3
Western	74	24.7	0	0.0	4	1.3	3	1.0	1	0.3	9	3.0	0	0.0
West Virginia														
Northern	12	8.0	0	0.0	1	0.7	5	3.3	2	1.3	9	6.0	0	0.0
Southern	9	6.2	0	0.0	0	0.0	0	0.0	1	0.7	3	2.1	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>7,124</b>	<b>5,162</b>	<b>72.5</b>	<b>34</b>	<b>0.5</b>	<b>26</b>	<b>0.4</b>	<b>62</b>	<b>0.9</b>	<b>10</b>	<b>0.1</b>
Louisiana											
Eastern	185	142	76.8	2	1.1	4	2.2	4	2.2	0	0.0
Middle	74	50	67.6	2	2.7	1	1.4	0	0.0	0	0.0
Western	221	172	77.8	1	0.5	1	0.5	3	1.4	0	0.0
Mississippi											
Northern	83	40	48.2	1	1.2	0	0.0	1	1.2	0	0.0
Southern	205	163	79.5	3	1.5	0	0.0	2	1.0	2	1.0
Texas											
Eastern	550	435	79.1	0	0.0	0	0.0	0	0.0	1	0.2
Northern	485	369	76.1	3	0.6	7	1.4	9	1.9	0	0.0
Southern	2,748	1,726	62.8	13	0.5	2	0.1	9	0.3	3	0.1
Western	2,573	2,065	80.3	9	0.3	11	0.4	34	1.3	4	0.2
<b>SIXTH CIRCUIT</b>	<b>2,490</b>	<b>1,381</b>	<b>55.5</b>	<b>7</b>	<b>0.3</b>	<b>7</b>	<b>0.3</b>	<b>16</b>	<b>0.6</b>	<b>2</b>	<b>0.1</b>
Kentucky											
Eastern	316	167	52.8	2	0.6	2	0.6	2	0.6	0	0.0
Western	196	139	70.9	0	0.0	0	0.0	1	0.5	0	0.0
Michigan											
Eastern	382	208	54.5	0	0.0	1	0.3	1	0.3	2	0.5
Western	214	124	57.9	2	0.9	1	0.5	3	1.4	0	0.0
Ohio											
Northern	450	249	55.3	1	0.2	1	0.2	4	0.9	0	0.0
Southern	266	115	43.2	0	0.0	1	0.4	0	0.0	0	0.0
Tennessee											
Eastern	306	196	64.1	0	0.0	1	0.3	4	1.3	0	0.0
Middle	112	61	54.5	0	0.0	0	0.0	0	0.0	0	0.0
Western	248	122	49.2	2	0.8	0	0.0	1	0.4	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>1,408</b>	<b>841</b>	<b>59.7</b>	<b>3</b>	<b>0.2</b>	<b>3</b>	<b>0.2</b>	<b>10</b>	<b>0.7</b>	<b>2</b>	<b>0.1</b>
Illinois											
Central	175	95	54.3	0	0.0	0	0.0	3	1.7	0	0.0
Northern	330	168	50.9	2	0.6	0	0.0	0	0.0	2	0.6
Southern	185	155	83.8	0	0.0	3	1.6	2	1.1	0	0.0
Indiana											
Northern	231	155	67.1	0	0.0	0	0.0	2	0.9	0	0.0
Southern	156	75	48.1	0	0.0	0	0.0	2	1.3	0	0.0
Wisconsin											
Eastern	236	113	47.9	0	0.0	0	0.0	0	0.0	0	0.0
Western	95	80	84.2	1	1.1	0	0.0	1	1.1	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>2,421</b>	<b>1,661</b>	<b>68.6</b>	<b>18</b>	<b>0.7</b>	<b>6</b>	<b>0.2</b>	<b>9</b>	<b>0.4</b>	<b>2</b>	<b>0.1</b>
Arkansas											
Eastern	143	87	60.8	0	0.0	0	0.0	0	0.0	0	0.0
Western	89	66	74.2	0	0.0	0	0.0	0	0.0	0	0.0
Iowa											
Northern	251	173	68.9	10	4.0	0	0.0	3	1.2	0	0.0
Southern	129	86	66.7	2	1.6	0	0.0	0	0.0	0	0.0
Minnesota	259	127	49.0	0	0.0	1	0.4	0	0.0	0	0.0
Missouri											
Eastern	484	337	69.6	1	0.2	1	0.2	1	0.2	1	0.2
Western	393	289	73.5	0	0.0	2	0.5	0	0.0	0	0.0
Nebraska	357	269	75.4	0	0.0	0	0.0	0	0.0	0	0.0
North Dakota	88	54	61.4	1	1.1	0	0.0	0	0.0	0	0.0
South Dakota	228	173	75.9	4	1.8	2	0.9	5	2.2	1	0.4

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>583</b>	<b>8.2</b>	<b>490</b>	<b>6.9</b>	<b>248</b>	<b>3.5</b>	<b>193</b>	<b>2.7</b>	<b>19</b>	<b>0.3</b>	<b>261</b>	<b>3.7</b>	<b>36</b>	<b>0.5</b>
Louisiana														
Eastern	14	7.6	0	0.0	7	3.8	3	1.6	2	1.1	5	2.7	2	1.1
Middle	15	20.3	0	0.0	0	0.0	3	4.1	1	1.4	2	2.7	0	0.0
Western	36	16.3	0	0.0	0	0.0	0	0.0	0	0.0	6	2.7	2	0.9
Mississippi														
Northern	33	39.8	0	0.0	6	7.2	0	0.0	0	0.0	2	2.4	0	0.0
Southern	20	9.8	0	0.0	0	0.0	1	0.5	0	0.0	9	4.4	5	2.4
Texas														
Eastern	64	11.6	0	0.0	17	3.1	22	4.0	4	0.7	4	0.7	3	0.5
Northern	55	11.3	1	0.2	10	2.1	7	1.4	2	0.4	19	3.9	3	0.6
Southern	182	6.6	421	15.3	181	6.6	110	4.0	4	0.1	95	3.5	2	0.1
Western	164	6.4	68	2.6	27	1.0	47	1.8	6	0.2	119	4.6	19	0.7
<b>SIXTH CIRCUIT</b>	<b>656</b>	<b>26.3</b>	<b>0</b>	<b>0.0</b>	<b>50</b>	<b>2.0</b>	<b>44</b>	<b>1.8</b>	<b>51</b>	<b>2.0</b>	<b>242</b>	<b>9.7</b>	<b>34</b>	<b>1.4</b>
Kentucky														
Eastern	103	32.6	0	0.0	0	0.0	2	0.6	2	0.6	32	10.1	4	1.3
Western	26	13.3	0	0.0	15	7.7	0	0.0	2	1.0	10	5.1	3	1.5
Michigan														
Eastern	100	26.2	0	0.0	3	0.8	12	3.1	11	2.9	42	11.0	2	0.5
Western	35	16.4	0	0.0	3	1.4	5	2.3	3	1.4	35	16.4	3	1.4
Ohio														
Northern	112	24.9	0	0.0	5	1.1	10	2.2	8	1.8	49	10.9	11	2.4
Southern	104	39.1	0	0.0	6	2.3	6	2.3	12	4.5	21	7.9	1	0.4
Tennessee														
Eastern	85	27.8	0	0.0	1	0.3	2	0.7	1	0.3	12	3.9	4	1.3
Middle	28	25.0	0	0.0	2	1.8	3	2.7	2	1.8	12	10.7	4	3.6
Western	63	25.4	0	0.0	15	6.0	4	1.6	10	4.0	29	11.7	2	0.8
<b>SEVENTH CIRCUIT</b>	<b>288</b>	<b>20.5</b>	<b>0</b>	<b>0.0</b>	<b>26</b>	<b>1.8</b>	<b>39</b>	<b>2.8</b>	<b>31</b>	<b>2.2</b>	<b>138</b>	<b>9.8</b>	<b>27</b>	<b>1.9</b>
Illinois														
Central	38	21.7	0	0.0	5	2.9	3	1.7	7	4.0	23	13.1	1	0.6
Northern	80	24.2	0	0.0	6	1.8	23	7.0	15	4.5	24	7.3	10	3.0
Southern	9	4.9	0	0.0	2	1.1	3	1.6	3	1.6	6	3.2	2	1.1
Indiana														
Northern	61	26.4	0	0.0	1	0.4	1	0.4	0	0.0	7	3.0	4	1.7
Southern	43	27.6	0	0.0	5	3.2	4	2.6	2	1.3	25	16.0	0	0.0
Wisconsin														
Eastern	52	22.0	0	0.0	7	3.0	4	1.7	3	1.3	47	19.9	10	4.2
Western	5	5.3	0	0.0	0	0.0	1	1.1	1	1.1	6	6.3	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>330</b>	<b>13.6</b>	<b>15</b>	<b>0.6</b>	<b>68</b>	<b>2.8</b>	<b>66</b>	<b>2.7</b>	<b>33</b>	<b>1.4</b>	<b>191</b>	<b>7.9</b>	<b>22</b>	<b>0.9</b>
Arkansas														
Eastern	33	23.1	0	0.0	4	2.8	5	3.5	1	0.7	13	9.1	0	0.0
Western	12	13.5	0	0.0	2	2.2	3	3.4	0	0.0	6	6.7	0	0.0
Iowa														
Northern	40	15.9	0	0.0	3	1.2	2	0.8	2	0.8	18	7.2	0	0.0
Southern	18	14.0	0	0.0	3	2.3	1	0.8	0	0.0	19	14.7	0	0.0
Minnesota	64	24.7	0	0.0	7	2.7	9	3.5	13	5.0	35	13.5	3	1.2
Missouri														
Eastern	74	15.3	0	0.0	10	2.1	15	3.1	7	1.4	34	7.0	3	0.6
Western	51	13.0	0	0.0	8	2.0	5	1.3	5	1.3	24	6.1	9	2.3
Nebraska	13	3.6	13	3.6	21	5.9	18	5.0	2	0.6	19	5.3	2	0.6
North Dakota	21	23.9	2	2.3	3	3.4	1	1.1	0	0.0	2	2.3	4	4.5
South Dakota	4	1.8	0	0.0	7	3.1	7	3.1	3	1.3	21	9.2	1	0.4

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>5,680</b>	<b>2,491</b>	<b>43.9</b>	<b>45</b>	<b>0.8</b>	<b>14</b>	<b>0.2</b>	<b>27</b>	<b>0.5</b>	<b>8</b>	<b>0.1</b>
Alaska	45	29	64.4	0	0.0	0	0.0	0	0.0	0	0.0
Arizona	1,697	543	32.0	32	1.9	8	0.5	5	0.3	0	0.0
California											
Central	495	274	55.4	1	0.2	0	0.0	0	0.0	0	0.0
Eastern	454	252	55.5	1	0.2	3	0.7	0	0.0	0	0.0
Northern	282	152	53.9	2	0.7	1	0.4	3	1.1	1	0.4
Southern	1,166	414	35.5	1	0.1	0	0.0	2	0.2	3	0.3
Guam	17	3	17.6	0	0.0	0	0.0	0	0.0	1	5.9
Hawaii	164	85	51.8	0	0.0	0	0.0	2	1.2	0	0.0
Idaho	114	55	48.2	0	0.0	0	0.0	1	0.9	0	0.0
Montana	174	136	78.2	2	1.1	1	0.6	4	2.3	1	0.6
Nevada	333	220	66.1	0	0.0	1	0.3	2	0.6	2	0.6
Northern Mariana Islands	9	5	55.6	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	209	108	51.7	2	1.0	0	0.0	2	1.0	0	0.0
Washington											
Eastern	184	70	38.0	0	0.0	0	0.0	2	1.1	0	0.0
Western	337	145	43.0	4	1.2	0	0.0	4	1.2	0	0.0
<b>TENTH CIRCUIT</b>	<b>2,695</b>	<b>1,603</b>	<b>59.5</b>	<b>6</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>33</b>	<b>1.2</b>	<b>6</b>	<b>0.2</b>
Colorado	255	153	60.0	0	0.0	0	0.0	3	1.2	1	0.4
Kansas	359	209	58.2	1	0.3	0	0.0	21	5.8	0	0.0
New Mexico	1,174	674	57.4	1	0.1	0	0.0	1	0.1	0	0.0
Oklahoma											
Eastern	44	35	79.5	0	0.0	0	0.0	0	0.0	0	0.0
Northern	118	97	82.2	0	0.0	0	0.0	1	0.8	0	0.0
Western	128	97	75.8	0	0.0	0	0.0	2	1.6	0	0.0
Utah	454	227	50.0	4	0.9	0	0.0	4	0.9	4	0.9
Wyoming	163	111	68.1	0	0.0	0	0.0	1	0.6	1	0.6
<b>ELEVENTH CIRCUIT</b>	<b>3,342</b>	<b>2,247</b>	<b>67.2</b>	<b>13</b>	<b>0.4</b>	<b>6</b>	<b>0.2</b>	<b>31</b>	<b>0.9</b>	<b>4</b>	<b>0.1</b>
Alabama											
Middle	115	58	50.4	1	0.9	0	0.0	2	1.7	0	0.0
Northern	242	157	64.9	0	0.0	0	0.0	2	0.8	1	0.4
Southern	151	91	60.3	0	0.0	1	0.7	0	0.0	0	0.0
Florida											
Middle	890	534	60.0	2	0.2	1	0.1	3	0.3	0	0.0
Northern	211	147	69.7	2	0.9	1	0.5	0	0.0	0	0.0
Southern	1,030	731	71.0	2	0.2	2	0.2	7	0.7	1	0.1
Georgia											
Middle	175	125	71.4	2	1.1	0	0.0	2	1.1	0	0.0
Northern	273	191	70.0	1	0.4	1	0.4	1	0.4	2	0.7
Southern	255	213	83.5	3	1.2	0	0.0	14	5.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>601</b>	<b>10.6</b>	<b>1,555</b>	<b>27.4</b>	<b>298</b>	<b>5.2</b>	<b>125</b>	<b>2.2</b>	<b>87</b>	<b>1.5</b>	<b>354</b>	<b>6.2</b>	<b>75</b>	<b>1.3</b>
Alaska	2	4.4	0	0.0	5	11.1	3	6.7	0	0.0	6	13.3	0	0.0
Arizona	91	5.4	852	50.2	49	2.9	30	1.8	23	1.4	46	2.7	18	1.1
California														
Central	81	16.4	22	4.4	30	6.1	11	2.2	13	2.6	48	9.7	15	3.0
Eastern	66	14.5	62	13.7	23	5.1	11	2.4	4	0.9	28	6.2	4	0.9
Northern	44	15.6	11	3.9	23	8.2	5	1.8	9	3.2	27	9.6	4	1.4
Southern	69	5.9	528	45.3	47	4.0	34	2.9	7	0.6	41	3.5	20	1.7
Guam	7	41.2	0	0.0	0	0.0	0	0.0	0	0.0	6	35.3	0	0.0
Hawaii	52	31.7	0	0.0	3	1.8	1	0.6	2	1.2	18	11.0	1	0.6
Idaho	30	26.3	11	9.6	0	0.0	0	0.0	3	2.6	12	10.5	2	1.8
Montana	18	10.3	0	0.0	0	0.0	2	1.1	0	0.0	10	5.7	0	0.0
Nevada	38	11.4	0	0.0	27	8.1	5	1.5	5	1.5	29	8.7	4	1.2
Northern Mariana Islands	1	11.1	0	0.0	2	22.2	0	0.0	0	0.0	1	11.1	0	0.0
Oregon	26	12.4	5	2.4	19	9.1	13	6.2	3	1.4	26	12.4	5	2.4
Washington														
Eastern	18	9.8	56	30.4	15	8.2	3	1.6	1	0.5	19	10.3	0	0.0
Western	58	17.2	8	2.4	55	16.3	7	2.1	17	5.0	37	11.0	2	0.6
<b>TENTH CIRCUIT</b>	<b>252</b>	<b>9.4</b>	<b>262</b>	<b>9.7</b>	<b>241</b>	<b>8.9</b>	<b>89</b>	<b>3.3</b>	<b>32</b>	<b>1.2</b>	<b>149</b>	<b>5.5</b>	<b>22</b>	<b>0.8</b>
Colorado	64	25.1	0	0.0	8	3.1	12	4.7	2	0.8	9	3.5	3	1.2
Kansas	64	17.8	0	0.0	34	9.5	2	0.6	0	0.0	26	7.2	2	0.6
New Mexico	32	2.7	162	13.8	172	14.7	47	4.0	11	0.9	66	5.6	8	0.7
Oklahoma														
Eastern	6	13.6	0	0.0	1	2.3	0	0.0	0	0.0	2	4.5	0	0.0
Northern	17	14.4	0	0.0	1	0.8	0	0.0	0	0.0	2	1.7	0	0.0
Western	9	7.0	0	0.0	0	0.0	1	0.8	0	0.0	17	13.3	2	1.6
Utah	42	9.3	100	22.0	18	4.0	17	3.7	13	2.9	19	4.2	6	1.3
Wyoming	18	11.0	0	0.0	7	4.3	10	6.1	6	3.7	8	4.9	1	0.6
<b>ELEVENTH CIRCUIT</b>	<b>626</b>	<b>18.7</b>	<b>20</b>	<b>0.6</b>	<b>20</b>	<b>0.6</b>	<b>46</b>	<b>1.4</b>	<b>38</b>	<b>1.1</b>	<b>263</b>	<b>7.9</b>	<b>28</b>	<b>0.8</b>
Alabama														
Middle	44	38.3	0	0.0	2	1.7	1	0.9	0	0.0	7	6.1	0	0.0
Northern	55	22.7	0	0.0	2	0.8	4	1.7	0	0.0	21	8.7	0	0.0
Southern	42	27.8	0	0.0	0	0.0	0	0.0	1	0.7	16	10.6	0	0.0
Florida														
Middle	220	24.7	20	2.2	4	0.4	17	1.9	12	1.3	68	7.6	9	1.0
Northern	44	20.9	0	0.0	0	0.0	2	0.9	5	2.4	9	4.3	1	0.5
Southern	129	12.5	0	0.0	6	0.6	9	0.9	16	1.6	110	10.7	17	1.7
Georgia														
Middle	34	19.4	0	0.0	1	0.6	3	1.7	1	0.6	7	4.0	0	0.0
Northern	40	14.7	0	0.0	4	1.5	8	2.9	3	1.1	21	7.7	1	0.4
Southern	18	7.1	0	0.0	1	0.4	2	0.8	0	0.0	4	1.6	0	0.0

<sup>1</sup>Of the 33,335 cases, 768 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts missing this information in five percent or more of the cases received included: Central California (25.1%), Middle Georgia (22.6%), Western Oklahoma (21.0%), Eastern Virginia (15.1%), Middle Tennessee (10.4%), Western Washington (9.7%), Alaska (8.2%), Western Kentucky (6.2%), Maryland (6.2%), Southern California (5.6%), and Guam (5.6%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>32,453</b>	<b>19,952</b>	<b>61.5</b>	<b>155</b>	<b>0.5</b>	<b>73</b>	<b>0.2</b>	<b>222</b>	<b>0.7</b>	<b>38</b>	<b>0.1</b>
Murder	32	26	81.3	1	3.1	0	0.0	0	0.0	0	0.0
Manslaughter	38	21	55.3	2	5.3	3	7.9	4	10.5	0	0.0
Kidnapping/Hostage Taking	29	14	48.3	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	113	81	71.7	1	0.9	2	1.8	6	5.3	0	0.0
Assault	231	163	70.6	3	1.3	1	0.4	2	0.9	1	0.4
Robbery	567	386	68.1	2	0.4	2	0.4	7	1.2	0	0.0
Arson	28	14	50.0	0	0.0	0	0.0	3	10.7	0	0.0
Drugs - Trafficking	11,757	6,460	54.9	16	0.1	8	0.1	17	0.1	8	0.1
Drugs - Communication Facility	168	107	63.7	1	0.6	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	240	221	92.1	3	1.3	0	0.0	6	2.5	1	0.4
Firearms	3,734	2,637	70.6	21	0.6	16	0.4	28	0.7	4	0.1
Burglary/B&E	24	19	79.2	0	0.0	0	0.0	0	0.0	0	0.0
Auto Theft	29	22	75.9	0	0.0	0	0.0	0	0.0	0	0.0
Larceny	723	569	78.7	2	0.3	1	0.1	4	0.6	1	0.1
Fraud	3,353	2,175	64.9	16	0.5	15	0.4	37	1.1	7	0.2
Embezzlement	205	148	72.2	0	0.0	0	0.0	1	0.5	0	0.0
Forgery/Counterfeiting	512	374	73.0	4	0.8	1	0.2	2	0.4	1	0.2
Bribery	92	48	52.2	0	0.0	0	0.0	1	1.1	0	0.0
Tax	269	137	50.9	0	0.0	0	0.0	1	0.4	2	0.7
Money Laundering	414	199	48.1	3	0.7	1	0.2	0	0.0	0	0.0
Racketeering/Extortion	289	154	53.3	1	0.3	1	0.3	2	0.7	1	0.3
Gambling/Lottery	50	30	60.0	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	28	19	67.9	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	7,635	4,657	61.0	62	0.8	13	0.2	76	1.0	9	0.1
Pornography/Prostitution	697	456	65.4	6	0.9	4	0.6	13	1.9	1	0.1
Prison Offenses	149	116	77.9	2	1.3	0	0.0	1	0.7	2	1.3
Administration of Justice Offenses	416	263	63.2	3	0.7	3	0.7	8	1.9	0	0.0
Environmental/Wildlife	69	41	59.4	0	0.0	1	1.4	0	0.0	0	0.0
National Defense	11	4	36.4	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	10	2	20.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	28	21	75.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	513	368	71.7	6	1.2	1	0.2	3	0.6	0	0.0

Table 3 (cont.)

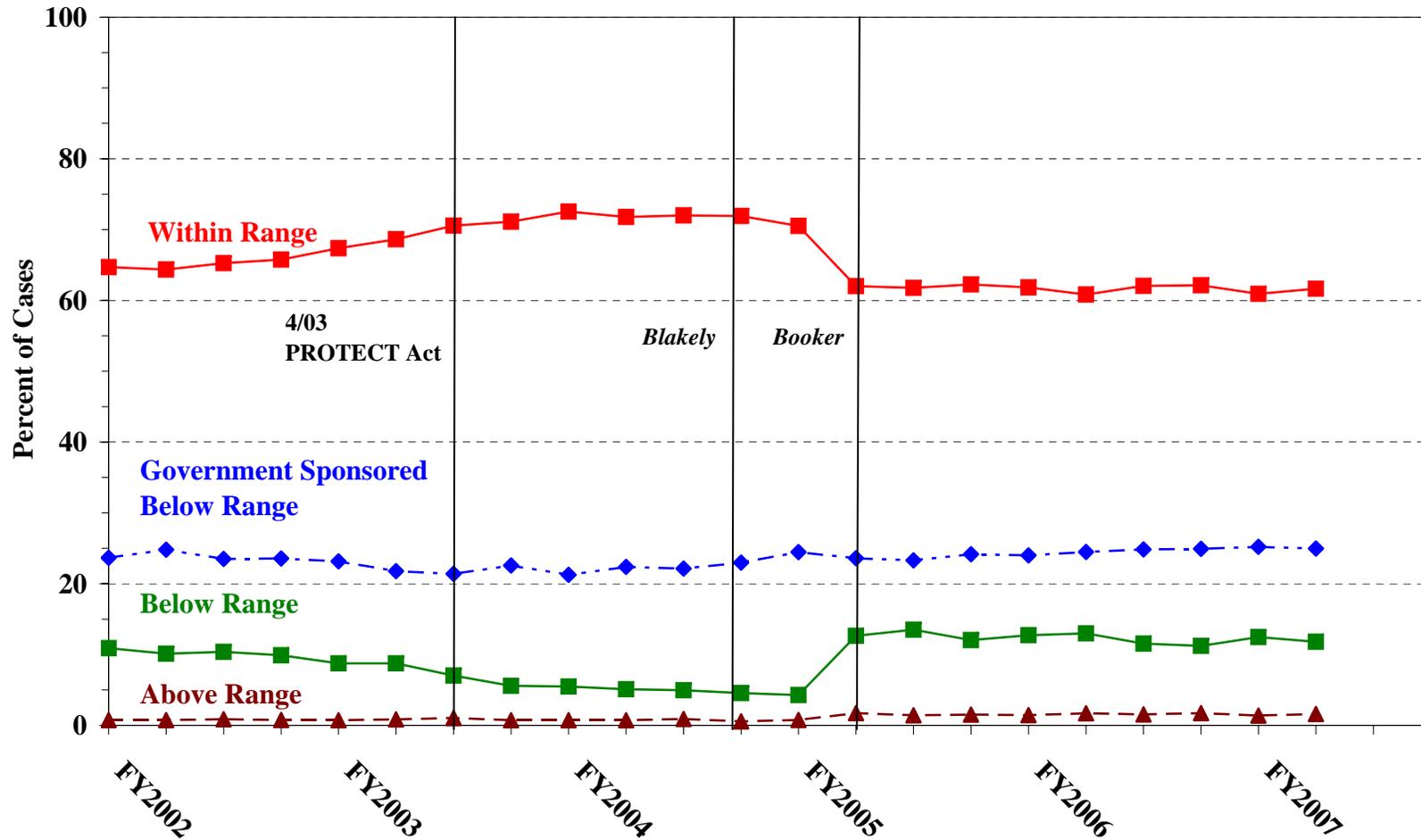
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>4,701</b>	<b>14.5</b>	<b>2,339</b>	<b>7.2</b>	<b>1,077</b>	<b>3.3</b>	<b>851</b>	<b>2.6</b>	<b>473</b>	<b>1.5</b>	<b>2,247</b>	<b>6.9</b>	<b>325</b>	<b>1.0</b>
Murder	2	6.3	0	0.0	1	3.1	0	0.0	0	0.0	2	6.3	0	0.0
Manslaughter	0	0.0	0	0.0	1	2.6	1	2.6	0	0.0	6	15.8	0	0.0
Kidnapping/Hostage Taking	11	37.9	0	0.0	1	3.4	0	0.0	0	0.0	2	6.9	1	3.4
Sexual Abuse	0	0.0	0	0.0	11	9.7	4	3.5	1	0.9	6	5.3	1	0.9
Assault	3	1.3	5	2.2	20	8.7	9	3.9	5	2.2	16	6.9	3	1.3
Robbery	70	12.3	1	0.2	17	3.0	25	4.4	8	1.4	48	8.5	1	0.2
Arson	10	35.7	0	0.0	0	0.0	0	0.0	0	0.0	1	3.6	0	0.0
Drugs - Trafficking	3,011	25.6	565	4.8	335	2.8	248	2.1	183	1.6	810	6.9	96	0.8
Drugs - Communication Facility	21	12.5	0	0.0	9	5.4	5	3.0	4	2.4	19	11.3	2	1.2
Drugs - Simple Possession	3	1.3	0	0.0	0	0.0	0	0.0	2	0.8	2	0.8	2	0.8
Firearms	409	11.0	20	0.5	94	2.5	121	3.2	78	2.1	275	7.4	31	0.8
Burglary/B&E	0	0.0	0	0.0	0	0.0	1	4.2	1	4.2	2	8.3	1	4.2
Auto Theft	2	6.9	0	0.0	0	0.0	1	3.4	0	0.0	4	13.8	0	0.0
Larceny	41	5.7	2	0.3	14	1.9	18	2.5	8	1.1	47	6.5	16	2.2
Fraud	515	15.4	3	0.1	77	2.3	93	2.8	63	1.9	292	8.7	60	1.8
Embezzlement	10	4.9	0	0.0	6	2.9	4	2.0	8	3.9	26	12.7	2	1.0
Forgery/Counterfeiting	63	12.3	0	0.0	8	1.6	6	1.2	6	1.2	40	7.8	7	1.4
Bribery	25	27.2	0	0.0	4	4.3	1	1.1	2	2.2	10	10.9	1	1.1
Tax	39	14.5	4	1.5	11	4.1	17	6.3	4	1.5	48	17.8	6	2.2
Money Laundering	108	26.1	5	1.2	23	5.6	13	3.1	12	2.9	48	11.6	2	0.5
Racketeering/Extortion	68	23.5	0	0.0	23	8.0	6	2.1	4	1.4	26	9.0	3	1.0
Gambling/Lottery	6	12.0	0	0.0	0	0.0	2	4.0	1	2.0	9	18.0	2	4.0
Civil Rights	4	14.3	0	0.0	1	3.6	3	10.7	0	0.0	1	3.6	0	0.0
Immigration	143	1.9	1,720	22.5	332	4.3	225	2.9	43	0.6	298	3.9	57	0.7
Pornography/Prostitution	28	4.0	3	0.4	33	4.7	17	2.4	22	3.2	108	15.5	6	0.9
Prison Offenses	4	2.7	3	2.0	7	4.7	1	0.7	1	0.7	8	5.4	4	2.7
Administration of Justice Offenses	39	9.4	4	1.0	26	6.3	10	2.4	8	1.9	45	10.8	7	1.7
Environmental/Wildlife	10	14.5	0	0.0	5	7.2	2	2.9	1	1.4	7	10.1	2	2.9
National Defense	4	36.4	0	0.0	1	9.1	1	9.1	0	0.0	0	0.0	1	9.1
Antitrust	5	50.0	0	0.0	0	0.0	0	0.0	1	10.0	2	20.0	0	0.0
Food & Drug	2	7.1	0	0.0	3	10.7	0	0.0	0	0.0	2	7.1	0	0.0
Other Miscellaneous Offenses	45	8.8	4	0.8	14	2.7	17	3.3	7	1.4	37	7.2	11	2.1

<sup>1</sup>Of the 33,335 cases, 882 were excluded due to one or both of the following reasons: missing primary offense (116) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (768). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Figure A

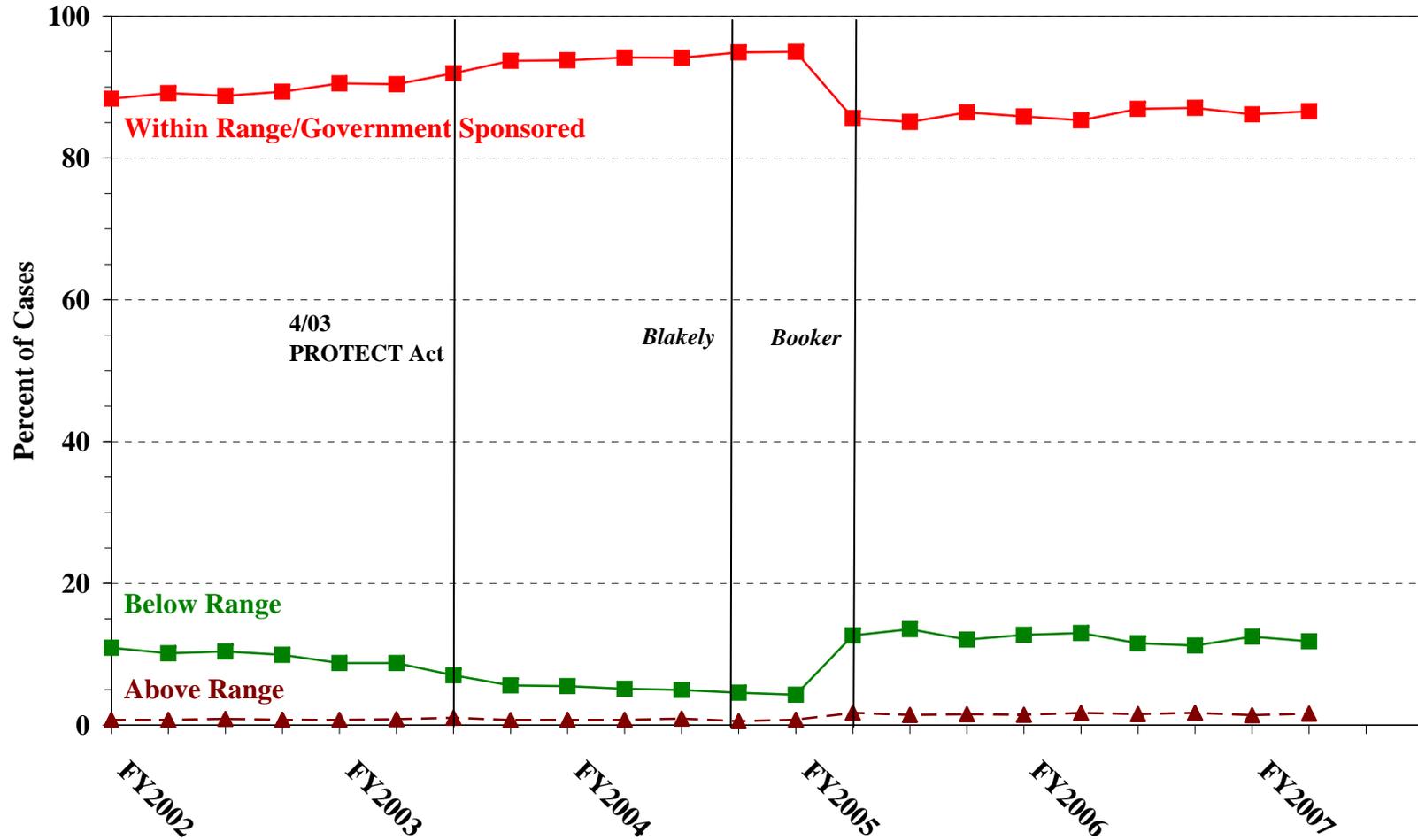
**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2002 - 2007,**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>The Commission’s methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Figure B

QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>  
Fiscal Years 2002 - 2007,  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)



<sup>1</sup>The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Table 4

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Departure Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Departure Gdline Only	with Booker	with Booker	All Others
§2A1.1	72	44	0	0	0	0	18	0	5	1	1	1	2
§2A1.2	24	17	1	1	0	0	1	0	3	1	0	0	0
§2A1.3	12	7	1	2	1	0	0	0	0	0	0	1	0
§2A1.4	30	17	1	1	3	0	0	0	1	1	0	6	0
§2A1.5	7	3	0	0	0	0	2	0	0	0	0	1	1
§2A2.1	17	14	0	0	2	0	0	0	1	0	0	0	0
§2A2.2	132	89	3	1	1	0	2	2	16	6	2	9	1
§2A2.3	17	14	1	0	0	0	0	0	1	0	0	0	1
§2A2.4	67	42	0	0	0	0	2	2	3	3	3	10	2
§2A3.1	48	33	1	1	0	1	2	0	4	2	1	2	1
§2A3.2	33	27	0	0	1	0	0	0	2	0	0	3	0
§2A3.3	5	5	0	0	0	0	0	0	0	0	0	0	0
§2A3.4	15	12	0	0	1	0	0	0	1	1	0	0	0
§2A4.1	45	23	0	0	0	0	14	1	2	1	0	3	1
§2A4.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2A5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A5.2	5	4	0	0	0	0	0	0	0	0	1	0	0
§2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A6.1	61	37	1	0	1	0	2	0	5	6	1	7	1
§2A6.2	4	4	0	0	0	0	0	0	0	0	0	0	0
§2B1.1	3,705	2,577	19	14	32	6	421	5	77	96	68	314	76
§2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.4	11	4	0	0	0	0	3	0	0	1	0	3	0
§2B1.5	8	4	0	0	0	0	1	0	0	2	0	1	0
§2B2.1	29	21	0	0	0	0	1	0	1	1	1	3	1
§2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B3.1	792	520	2	3	9	0	132	1	20	29	13	60	3
§2B3.2	28	19	1	0	1	0	4	0	0	0	0	3	0
§2B3.3	4	1	0	0	0	0	2	0	0	0	0	1	0
§2B4.1	13	7	0	0	1	0	3	0	1	0	0	1	0
§2B5.1	269	210	0	1	2	1	26	0	1	1	1	24	2
§2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B5.3	83	32	0	0	0	0	21	0	4	3	1	18	4
§2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B6.1	9	5	0	0	0	0	4	0	0	0	0	0	0
§2C1.1	110	51	0	0	1	0	34	0	1	2	5	15	1
§2C1.2	15	10	0	0	0	0	1	0	1	0	0	3	0
§2C1.3	4	4	0	0	0	0	0	0	0	0	0	0	0
§2C1.4	1	1	0	0	0	0	0	0	0	0	0	0	0
§2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.7	6	2	0	0	0	0	1	0	0	1	0	2	0
§2C1.8	3	2	0	0	0	0	0	0	0	0	0	1	0
§2D1.1	11,848	6,582	15	9	15	9	2,968	564	337	248	181	824	96
§2D1.2	148	84	1	0	0	0	39	0	9	3	0	10	2
§2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.5	8	6	0	0	0	0	1	0	0	0	1	0	0





Table 4 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure		Above Range		Government Sponsored			Downward Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	14	14	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	98	75	1	0	1	1	4	1	6	1	1	4	3
§2P1.2	38	33	1	0	0	0	0	0	0	0	0	3	1
§2P1.3	3	0	0	0	0	0	0	2	1	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	19	7	0	0	0	0	3	0	1	3	2	3	0
§2Q1.3	15	9	0	0	0	0	4	0	1	0	0	0	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	43	23	0	1	0	0	7	0	5	1	1	4	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	11	2	0	0	0	0	5	0	0	0	0	4	0
§2S1.1	480	205	3	1	1	1	158	1	19	18	10	60	3
§2S1.2	6	1	0	0	0	0	5	0	0	0	0	0	0
§2S1.3	109	65	0	0	0	0	9	5	10	4	4	11	1
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	231	110	0	0	2	0	35	1	14	20	2	42	5
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	49	25	0	0	1	1	9	2	1	3	1	5	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	2	0	0	0	0	0	1	0	0	0	0	1	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	12	4	0	0	0	0	4	0	0	0	1	3	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	7	5	0	0	0	0	1	0	0	0	0	1	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	111	65	0	0	0	0	27	1	4	0	4	8	2
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	60	30	0	1	1	0	12	0	3	0	1	11	1
§2X4.1	200	137	2	1	3	0	16	4	9	5	1	18	4
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	18	16	1	0	1	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>31,274</b>	<b>18,956</b>	<b>148</b>	<b>73</b>	<b>219</b>	<b>33</b>	<b>4,654</b>	<b>2,312</b>	<b>1,025</b>	<b>842</b>	<b>470</b>	<b>2,226</b>	<b>316</b>

<sup>1</sup>Of the 33,335 cases, 2,061 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (768) or missing guideline applied (1,841). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Table 5

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORIES<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>12,550</b>	<b>3,275</b>	<b>26.1</b>	<b>2,253</b>	<b>18.0</b>	<b>998</b>	<b>8.0</b>	<b>632</b>	<b>5.0</b>	<b>69</b>	<b>0.5</b>
<b>Above Range</b>	<b>490</b>	<b>1</b>	<b>0.2</b>	<b>3</b>	<b>0.6</b>	<b>82</b>	<b>16.7</b>	<b>43</b>	<b>8.8</b>	<b>1</b>	<b>0.2</b>
Upward Departure From Guideline Range	155	0	0.0	2	1.3	30	19.4	18	11.6	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	73	1	1.4	0	0.0	13	17.8	11	15.1	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	224	0	0.0	0	0.0	36	16.1	12	5.4	1	0.4
All Remaining Cases Above Guideline Range	38	0	0.0	1	2.6	3	7.9	2	5.3	0	0.0
<b>Government Sponsored Below Range</b>	<b>8,150</b>	<b>3,274</b>	<b>40.2</b>	<b>2,250</b>	<b>27.6</b>	<b>916</b>	<b>11.2</b>	<b>589</b>	<b>7.2</b>	<b>68</b>	<b>0.8</b>
§5K1.1 Substantial Assistance Departure	4,715	3,274	69.4	44	0.9	96	2.0	100	2.1	17	0.4
§5K3.1 Early Disposition Program Departure	2,344	0	0.0	2,206	94.1	354	15.1	86	3.7	5	0.2
Other Government Sponsored Below Range	1,091	0	0.0	0	0.0	466	42.7	403	36.9	46	4.2
<b>Below Range</b>	<b>3,910</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	854	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	475	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	2,255	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	326	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 5 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>1,302</b>	<b>10.4</b>	<b>86</b>	<b>0.7</b>	<b>394</b>	<b>3.1</b>	<b>1,070</b>	<b>8.5</b>	<b>1,059</b>	<b>8.4</b>	<b>1,829</b>	<b>14.6</b>	<b>1,572</b>	<b>12.5</b>
<b>Above Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>53</b>	<b>10.8</b>	<b>10</b>	<b>2.0</b>	<b>2</b>	<b>0.4</b>	<b>220</b>	<b>44.9</b>	<b>113</b>	<b>23.1</b>
Upward Departure From Guideline Range	0	0.0	0	0.0	23	14.8	5	3.2	2	1.3	52	33.5	26	16.8
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	15	20.5	4	5.5	0	0.0	49	67.1	14	19.2
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	14	6.3	1	0.4	0	0.0	119	53.1	41	18.3
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	1	2.6	0	0.0	0	0.0	0	0.0	32	84.2
<b>Government Sponsored Below Range</b>	<b>1,302</b>	<b>16.0</b>	<b>86</b>	<b>1.1</b>	<b>341</b>	<b>4.2</b>	<b>312</b>	<b>3.8</b>	<b>165</b>	<b>2.0</b>	<b>255</b>	<b>3.1</b>	<b>273</b>	<b>3.3</b>
§5K1.1 Substantial Assistance Departure	1,302	27.6	5	0.1	175	3.7	131	2.8	64	1.4	128	2.7	197	4.2
§5K3.1 Early Disposition Program Departure	0	0.0	81	3.5	26	1.1	97	4.1	58	2.5	41	1.7	28	1.2
Other Government Sponsored Below Range	0	0.0	0	0.0	140	12.8	84	7.7	43	3.9	86	7.9	48	4.4
<b>Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>748</b>	<b>19.1</b>	<b>892</b>	<b>22.8</b>	<b>1,354</b>	<b>34.6</b>	<b>1,186</b>	<b>30.3</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	244	28.6	194	22.7	242	28.3	193	22.6
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	137	28.8	187	39.4	276	58.1	101	21.3
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	350	15.5	503	22.3	824	36.5	601	26.7
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	17	5.2	8	2.5	12	3.7	291	89.3

<sup>1</sup>Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 1,803 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>4,424</b>	<b>37.0</b>	<b>29.0</b>	<b>46.0</b>
<b>Murder</b>	2	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	10	174.0	46.5	18.9
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	3	4.0	12.0	66.7
<b>Robbery</b>	68	46.0	24.0	35.1
<b>Arson</b>	6	39.5	28.0	44.8
<b>Drugs - Trafficking</b>	2,844	54.0	39.0	42.1
<b>Drugs - Communication Facility</b>	20	17.5	13.5	50.0
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	380	37.0	24.0	41.6
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	39	5.0	12.0	83.3
<b>Fraud</b>	487	4.0	12.0	78.4
<b>Embezzlement</b>	9	4.0	18.0	75.0
<b>Forgery/Counterfeiting</b>	63	7.0	9.0	50.0
<b>Bribery</b>	25	0.0	12.0	100.0
<b>Tax</b>	37	0.0	10.0	100.0
<b>Money Laundering</b>	103	18.0	22.0	52.6
<b>Racketeering/Extortion</b>	57	37.0	31.0	47.1
<b>Gambling/Lottery</b>	5	0.0	6.0	100.0
<b>Civil Rights</b>	4	22.5	10.5	35.4
<b>Immigration</b>	134	12.0	12.0	50.0
<b>Pornography/Prostitution</b>	24	38.5	37.5	42.2
<b>Prison Offenses</b>	3	6.0	9.0	60.0
<b>Administration of Justice Offenses</b>	36	2.2	14.5	98.0
<b>Environmental/Wildlife</b>	9	0.0	12.0	100.0
<b>National Defense</b>	4	10.2	15.3	64.2
<b>Antitrust</b>	3	0.0	12.0	100.0
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	44	0.0	12.0	100.0

<sup>1</sup>Of the 33,335 cases, 4,715 received a §5K1.1 substantial assistance departure. Of these, 4,500 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 62 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 4,436 cases, 12 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,222</b>	<b>21.0</b>	<b>7.0</b>	<b>27.8</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	14.5	6.0	38.5
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	515	18.0	10.0	34.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	19	13.0	6.0	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	3	0.0	12.0	100.0
Money Laundering	4	2.8	5.2	64.7
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	1,659	21.0	6.0	26.8
Pornography/Prostitution	3	30.0	30.0	38.5
Prison Offenses	3	46.0	54.0	53.6
Administration of Justice Offenses	4	3.1	8.5	79.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	5.9	3.5	43.2

<sup>1</sup>Of the 33,335 cases, 2,344 received a §5K3.1 early disposition program departure. Of these, 2,226 had complete guideline application information. Three cases were excluded due to several logical criteria. Of the remaining 2,223 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>994</b>	<b>24.0</b>	<b>10.0</b>	<b>28.1</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	11	37.0	16.7	28.3
Assault	18	25.5	8.6	42.9
Robbery	17	53.0	31.0	31.2
Arson	0	--	--	--
Drugs - Trafficking	319	63.0	19.0	23.4
Drugs - Communication Facility	9	36.0	12.0	37.5
Drugs - Simple Possession	0	--	--	--
Firearms	82	40.0	14.5	28.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	12	1.5	7.0	90.0
Fraud	70	6.2	10.0	52.6
Embezzlement	6	0.0	9.0	100.0
Forgery/Counterfeiting	8	6.1	10.0	71.6
Bribery	4	0.0	10.0	100.0
Tax	10	2.0	11.0	95.1
Money Laundering	19	6.0	12.0	59.9
Racketeering/Extortion	21	65.0	84.0	50.0
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	302	13.5	4.0	20.0
Pornography/Prostitution	31	60.0	27.0	29.6
Prison Offenses	7	6.0	9.0	51.4
Administration of Justice Offenses	24	7.5	9.0	40.7
Environmental/Wildlife	4	0.0	6.0	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	18.0	18.0	50.0
Other Miscellaneous Offenses	13	0.0	10.0	100.0

<sup>1</sup>Of the 33,335 cases, 1,091 received an other government sponsored downward departure. Of these, 1,001 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional four cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Of the remaining 996 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>808</b>	<b>24.0</b>	<b>10.5</b>	<b>26.8</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	56.5	18.5	20.7
Assault	8	12.5	6.0	40.9
Robbery	24	44.0	13.5	20.5
Arson	0	--	--	--
Drugs - Trafficking	228	60.0	16.0	20.0
Drugs - Communication Facility	5	0.0	10.0	100.0
Drugs - Simple Possession	0	--	--	--
Firearms	116	33.5	12.0	25.4
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	17	3.0	7.0	58.3
Fraud	89	12.0	10.0	50.0
Embezzlement	4	1.0	11.0	91.7
Forgery/Counterfeiting	6	8.0	8.5	73.3
Bribery	0	--	--	--
Tax	17	0.0	11.0	100.0
Money Laundering	12	25.5	18.0	43.9
Racketeering/Extortion	6	60.0	16.5	35.6
Gambling/Lottery	2	--	--	--
Civil Rights	3	0.0	10.0	100.0
Immigration	219	21.0	6.0	21.7
Pornography/Prostitution	17	87.0	22.0	19.4
Prison Offenses	1	--	--	--
Administration of Justice Offenses	8	0.0	11.0	100.0
Environmental/Wildlife	2	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	16	0.0	12.0	100.0

<sup>1</sup>Of the 33,335 cases, 854 received a downward departure from the guideline range. Of these, 809 had complete guideline application information. One case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>441</b>	<b>24.0</b>	<b>15.0</b>	<b>37.5</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	5	1.0	11.0	91.7
Robbery	7	36.0	16.0	21.7
Arson	0	--	--	--
Drugs - Trafficking	166	60.0	22.0	31.4
Drugs - Communication Facility	4	21.0	12.0	48.2
Drugs - Simple Possession	2	--	--	--
Firearms	72	24.5	14.5	33.3
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	8	0.0	10.0	100.0
Fraud	60	6.5	12.0	54.4
Embezzlement	8	0.0	10.0	99.7
Forgery/Counterfeiting	6	13.3	8.5	38.5
Bribery	2	--	--	--
Tax	4	0.0	14.5	99.9
Money Laundering	11	31.0	25.0	50.0
Racketeering/Extortion	3	8.0	29.0	78.4
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	41	18.0	15.0	34.8
Pornography/Prostitution	21	30.0	28.6	50.0
Prison Offenses	1	--	--	--
Administration of Justice Offenses	8	12.0	15.0	61.1
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	7	0.0	12.0	100.0

<sup>1</sup>Of the 33,335 cases, 475 received a downward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 445 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional three cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,110</b>	<b>27.0</b>	<b>12.0</b>	<b>33.2</b>
<b>Murder</b>	2	--	--	--
<b>Manslaughter</b>	6	14.0	12.0	53.3
<b>Kidnapping/Hostage Taking</b>	2	--	--	--
<b>Sexual Abuse</b>	3	10.0	15.0	33.3
<b>Assault</b>	16	7.5	8.5	50.0
<b>Robbery</b>	45	57.0	17.7	20.5
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	763	60.0	18.0	23.4
<b>Drugs - Communication Facility</b>	17	36.0	18.0	25.0
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	258	25.5	12.0	28.2
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	4	4.0	6.5	73.3
<b>Larceny</b>	42	0.0	10.0	99.9
<b>Fraud</b>	273	6.0	10.0	60.0
<b>Embezzlement</b>	26	0.0	11.0	99.7
<b>Forgery/Counterfeiting</b>	38	2.5	8.0	86.3
<b>Bribery</b>	10	5.7	7.5	68.2
<b>Tax</b>	46	4.5	10.0	66.8
<b>Money Laundering</b>	44	12.0	15.5	64.5
<b>Racketeering/Extortion</b>	25	24.0	15.0	31.7
<b>Gambling/Lottery</b>	9	0.0	12.0	100.0
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	282	24.0	10.0	27.8
<b>Pornography/Prostitution</b>	100	51.5	24.5	33.5
<b>Prison Offenses</b>	7	12.0	3.0	20.0
<b>Administration of Justice Offenses</b>	40	7.6	9.4	51.3
<b>Environmental/Wildlife</b>	6	0.0	6.0	100.0
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	2	--	--	--
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	36	0.0	10.0	100.0

<sup>1</sup>Of the 33,335 cases, 2,255 were sentenced below the guideline range with *Booker* /18 U.S.C § 3553. Of these, 2,137 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 17 cases were also excluded from this table. Furthermore, four cases were excluded due to several logical criteria. Of the remaining 2,116 cases, six were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>282</b>	<b>12.0</b>	<b>6.0</b>	<b>46.5</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	1	--	--	--
<b>Assault</b>	3	4.0	4.0	50.0
<b>Robbery</b>	1	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	74	48.0	12.0	28.5
<b>Drugs - Communication Facility</b>	2	--	--	--
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	28	24.5	6.0	26.8
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	16	0.0	6.0	100.0
<b>Fraud</b>	53	0.0	6.0	100.0
<b>Embezzlement</b>	2	--	--	--
<b>Forgery/Counterfeiting</b>	7	0.0	6.0	100.0
<b>Bribery</b>	1	--	--	--
<b>Tax</b>	6	2.5	6.0	86.1
<b>Money Laundering</b>	2	--	--	--
<b>Racketeering/Extortion</b>	3	108.0	21.0	13.9
<b>Gambling/Lottery</b>	2	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	48	18.0	5.6	27.4
<b>Pornography/Prostitution</b>	5	99.0	22.0	19.3
<b>Prison Offenses</b>	4	12.0	8.5	38.2
<b>Administration of Justice Offenses</b>	7	3.4	9.0	57.6
<b>Environmental/Wildlife</b>	2	--	--	--
<b>National Defense</b>	1	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	10	0.0	6.0	100.0

<sup>1</sup>Of the 33,335 cases, 326 were otherwise sentenced below the guideline range. Of these, 290 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional five cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Of the remaining 284 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>142</b>	<b>46.0</b>	<b>9.0</b>	<b>25.0</b>
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	3	96.0	18.0	23.1
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	15	88.0	17.0	23.9
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	3	12.0	6.0	100.0
Firearms	19	84.0	13.0	19.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	14	38.5	17.5	78.6
Embezzlement	0	--	--	--
Forgery/Counterfeiting	4	59.0	24.0	67.9
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	3	81.0	20.0	36.7
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	56	24.0	4.5	25.0
Pornography/Prostitution	6	180.0	36.0	34.1
Prison Offenses	2	--	--	--
Administration of Justice Offenses	3	12.0	6.0	100.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	6	37.0	10.0	41.4

<sup>1</sup>Of the 33,335 cases, 155 received an upward departure from the guideline range. Of these, 145 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Of the remaining 144 cases, two were excluded due to missing sentence information. Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>70</b>	<b>60.0</b>	<b>18.0</b>	<b>47.0</b>
Murder	0	--	--	--
Manslaughter	3	120.0	42.0	25.0
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	8	135.0	33.5	34.3
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	13	48.0	11.0	29.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	15	48.0	15.0	76.5
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	13	60.0	27.0	100.0
Pornography/Prostitution	4	168.0	48.0	41.0
Prison Offenses	0	--	--	--
Administration of Justice Offenses	3	30.0	12.0	66.7
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

<sup>1</sup>Of the 33,335 cases, 73 received an upward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 71 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>210</b>	<b>48.0</b>	<b>12.0</b>	<b>50.0</b>
Murder	0	--	--	--
Manslaughter	4	58.0	12.0	22.6
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	120.0	30.5	19.0
Assault	2	--	--	--
Robbery	6	160.0	42.5	32.8
Arson	3	120.0	33.0	37.9
Drugs - Trafficking	16	128.5	29.5	38.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	6	12.0	6.0	99.9
Firearms	27	84.0	17.0	45.9
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	31.5	12.0	63.5
Fraud	34	48.0	13.0	38.4
Embezzlement	1	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	73	24.0	7.0	75.6
Pornography/Prostitution	12	180.0	54.5	48.9
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	36.0	9.0	33.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	50.0	3.0	12.5

<sup>1</sup>Of the 33,335 cases, 224 were sentenced above the guideline range with *Booker* /18 U.S.C § 3553. Of these, 213 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>23</b>	<b>47.0</b>	<b>10.0</b>	<b>20.0</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	6	84.0	10.5	11.1
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	3	120.0	30.0	24.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	8	34.0	7.0	20.2
Pornography/Prostitution	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

<sup>1</sup>Of the 33,335 cases, 38 were otherwise sentenced above the guideline range. Of these, 30 had complete guideline application information. Seven cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,964</b>	<b>29,426</b>	<b>89.3</b>	<b>28,431</b>	<b>86.2</b>	<b>995</b>	<b>3.0</b>	<b>3,538</b>	<b>10.7</b>	<b>1,225</b>	<b>3.7</b>	<b>2,313</b>	<b>7.0</b>
Murder	33	33	100.0	33	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	38	37	97.4	37	97.4	0	0.0	1	2.6	1	2.6	0	0.0
Kidnapping/Hostage Taking	29	29	100.0	29	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	114	106	93.0	103	90.4	3	2.6	8	7.0	3	2.6	5	4.4
Assault	245	207	84.5	193	78.8	14	5.7	38	15.5	15	6.1	23	9.4
Robbery	568	557	98.1	549	96.7	8	1.4	11	1.9	3	0.5	8	1.4
Arson	28	25	89.3	23	82.1	2	7.1	3	10.7	2	7.1	1	3.6
Drugs - Trafficking	11,807	11,508	97.5	11,261	95.4	247	2.1	299	2.5	126	1.1	173	1.5
Drugs - Communication Facility	170	142	83.5	138	81.2	4	2.4	28	16.5	9	5.3	19	11.2
Drugs - Simple Possession	256	110	43.0	108	42.2	2	0.8	146	57.0	14	5.5	132	51.6
Firearms	3,742	3,521	94.1	3,440	91.9	81	2.2	221	5.9	112	3.0	109	2.9
Burglary/B&E	24	21	87.5	20	83.3	1	4.2	3	12.5	0	0.0	3	12.5
Auto Theft	29	22	75.9	20	69.0	2	6.9	7	24.1	3	10.3	4	13.8
Larceny	734	325	44.3	285	38.8	40	5.4	409	55.7	124	16.9	285	38.8
Fraud	3,393	2,407	70.9	2,135	62.9	272	8.0	986	29.1	381	11.2	605	17.8
Embezzlement	207	102	49.3	74	35.7	28	13.5	105	50.7	34	16.4	71	34.3
Forgery/Counterfeiting	519	375	72.3	336	64.7	39	7.5	144	27.7	68	13.1	76	14.6
Bribery	94	63	67.0	54	57.4	9	9.6	31	33.0	18	19.1	13	13.8
Tax	274	171	62.4	142	51.8	29	10.6	103	37.6	43	15.7	60	21.9
Money Laundering	424	359	84.7	339	80.0	20	4.7	65	15.3	30	7.1	35	8.3
Racketeering/Extortion	292	268	91.8	265	90.8	3	1.0	24	8.2	12	4.1	12	4.1
Gambling/Lottery	51	15	29.4	13	25.5	2	3.9	36	70.6	21	41.2	15	29.4
Civil Rights	29	19	65.5	18	62.1	1	3.4	10	34.5	6	20.7	4	13.8
Immigration	7,772	7,545	97.1	7,440	95.7	105	1.4	227	2.9	59	0.8	168	2.2
Pornography/Prostitution	704	688	97.7	682	96.9	6	0.9	16	2.3	8	1.1	8	1.1
Prison Offenses	151	146	96.7	138	91.4	8	5.3	5	3.3	2	1.3	3	2.0
Administration of Justice Offenses	429	309	72.0	285	66.4	24	5.6	120	28.0	41	9.6	79	18.4
Environmental/Wildlife	66	16	24.2	11	16.7	5	7.6	50	75.8	11	16.7	39	59.1
National Defense	11	10	90.9	9	81.8	1	9.1	1	9.1	1	9.1	0	0.0
Antitrust	10	8	80.0	6	60.0	2	20.0	2	20.0	0	0.0	2	20.0
Food & Drug	24	11	45.8	9	37.5	2	8.3	13	54.2	1	4.2	12	50.0
Other Miscellaneous Offenses	697	271	38.9	236	33.9	35	5.0	426	61.1	77	11.0	349	50.1

<sup>1</sup>Of the 33,335 cases, 371 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (186), missing primary offense category (116), or missing sentencing information (181). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as defined in USSG §5C1.1.

Table 18

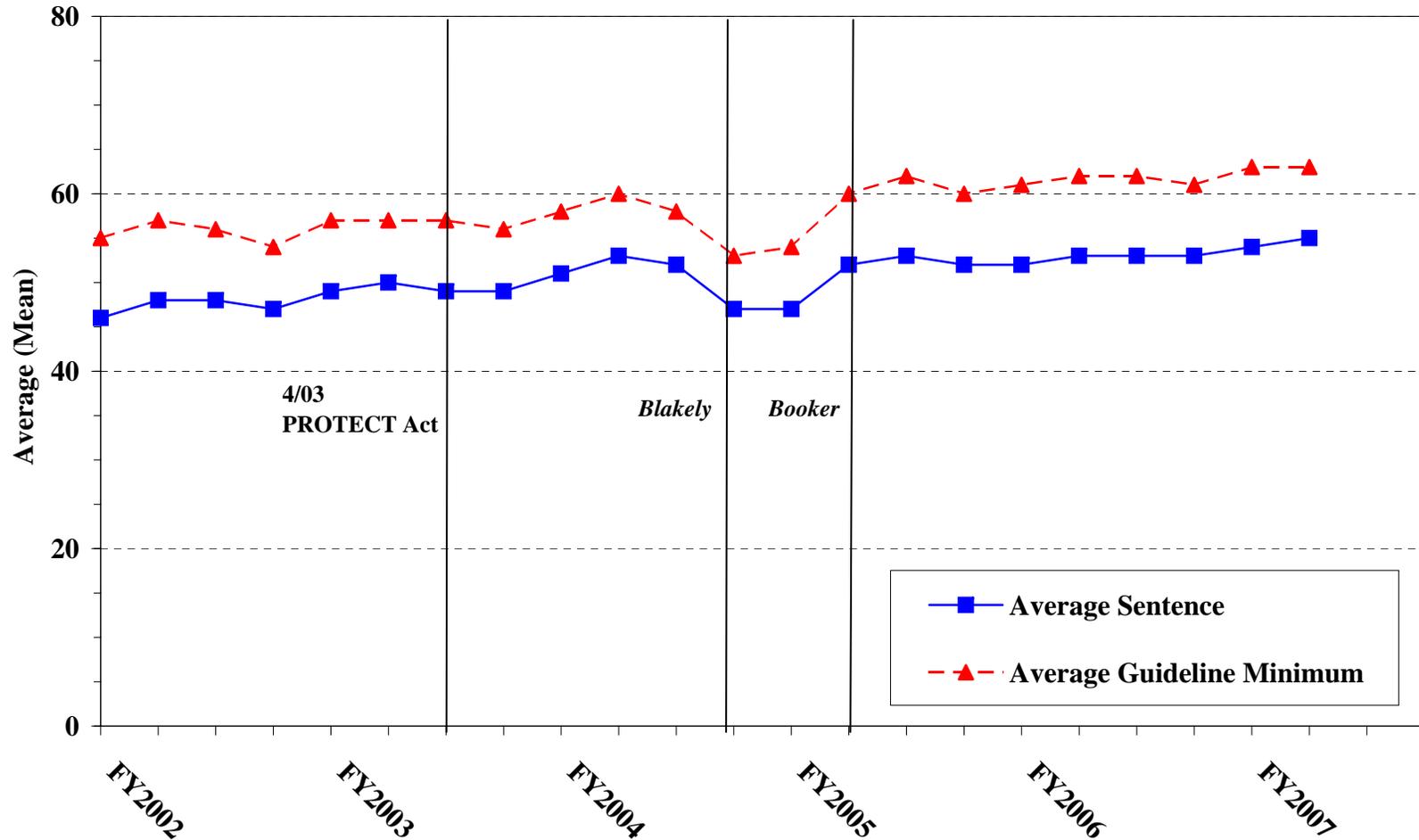
**AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>Number</b>
<b>TOTAL</b>	<b>53.9</b>	<b>30.0</b>	<b>33,150</b>
<b>Murder</b>	284.5	240.0	33
<b>Manslaughter</b>	53.9	37.0	38
<b>Kidnapping/Hostage Taking</b>	207.2	205.0	29
<b>Sexual Abuse</b>	94.8	57.0	114
<b>Assault</b>	30.6	21.0	249
<b>Robbery</b>	91.6	71.0	568
<b>Arson</b>	55.5	54.5	28
<b>Drugs - Trafficking</b>	84.5	60.0	11,810
<b>Drugs - Communication Facility</b>	37.5	39.5	170
<b>Drugs - Simple Possession</b>	6.5	0.0	280
<b>Firearms</b>	77.3	51.0	3,745
<b>Burglary/B&amp;E</b>	21.9	25.5	24
<b>Auto Theft</b>	61.1	18.0	29
<b>Larceny</b>	8.6	4.0	774
<b>Fraud</b>	20.3	10.0	3,412
<b>Embezzlement</b>	10.0	4.0	208
<b>Forgery/Counterfeiting</b>	15.4	10.6	520
<b>Bribery</b>	22.8	12.0	94
<b>Tax</b>	15.4	10.0	276
<b>Money Laundering</b>	34.3	24.0	425
<b>Racketeering/Extortion</b>	94.1	59.0	292
<b>Gambling/Lottery</b>	6.0	6.0	51
<b>Civil Rights</b>	31.5	12.0	31
<b>Immigration</b>	22.5	18.0	7,773
<b>Pornography/Prostitution</b>	98.4	78.0	705
<b>Prison Offenses</b>	16.3	12.0	151
<b>Administration of Justice Offenses</b>	22.1	12.0	430
<b>Environmental/Wildlife</b>	4.7	0.0	75
<b>National Defense</b>	18.0	10.0	11
<b>Antitrust</b>	18.2	8.0	10
<b>Food &amp; Drug</b>	12.5	0.0	29
<b>Other Miscellaneous Offenses</b>	6.8	0.0	766

<sup>1</sup>Of the 33,335 cases, 185 were excluded due to one or both of the following reasons: missing primary offense (116) or missing or indeterminable sentencing information (181). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR ALL CASES<sup>1</sup>  
 Fiscal Years 2002 - 2007,  
 2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

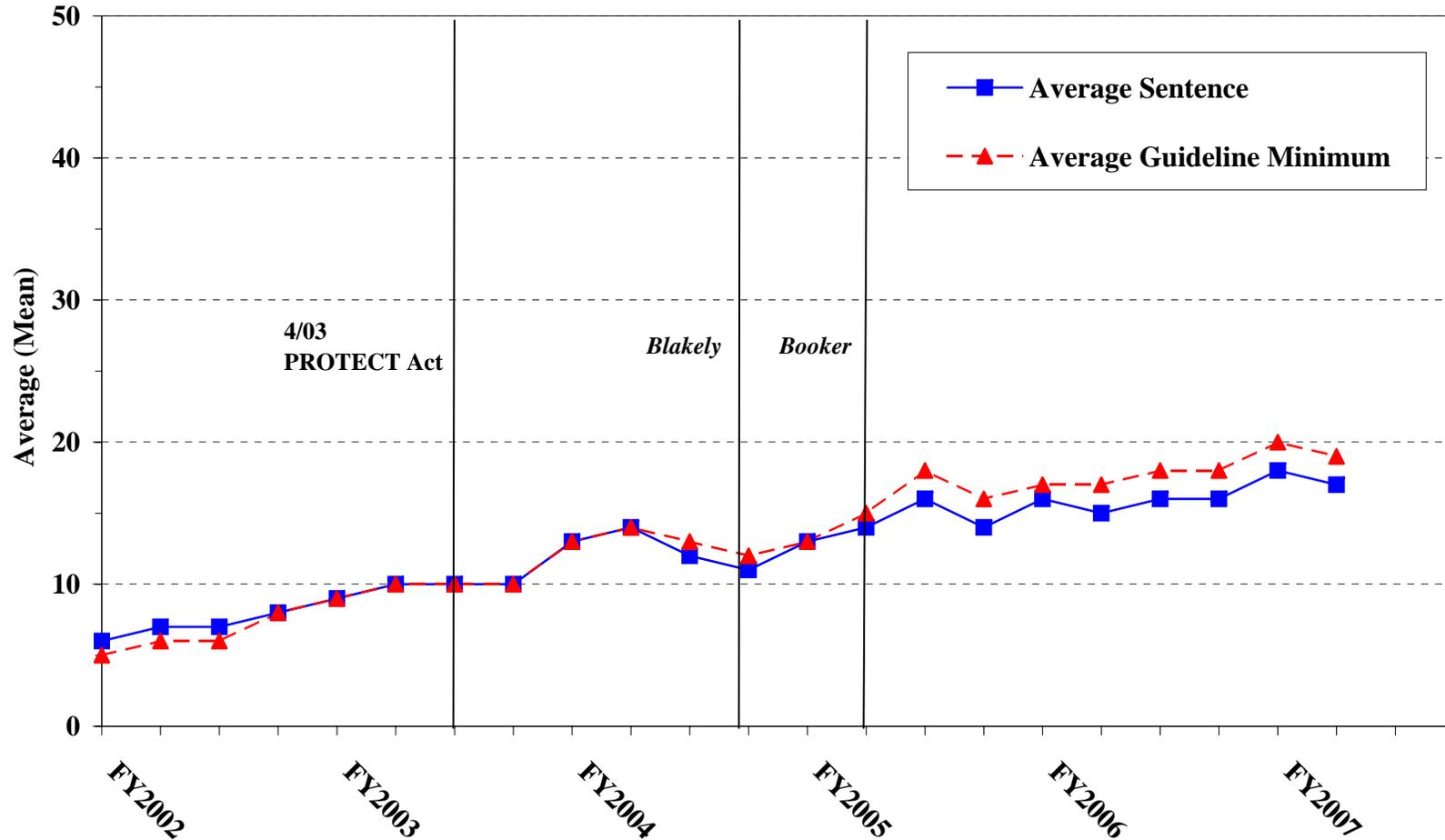


<sup>1</sup>Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through March 31, 2007).

Figure D

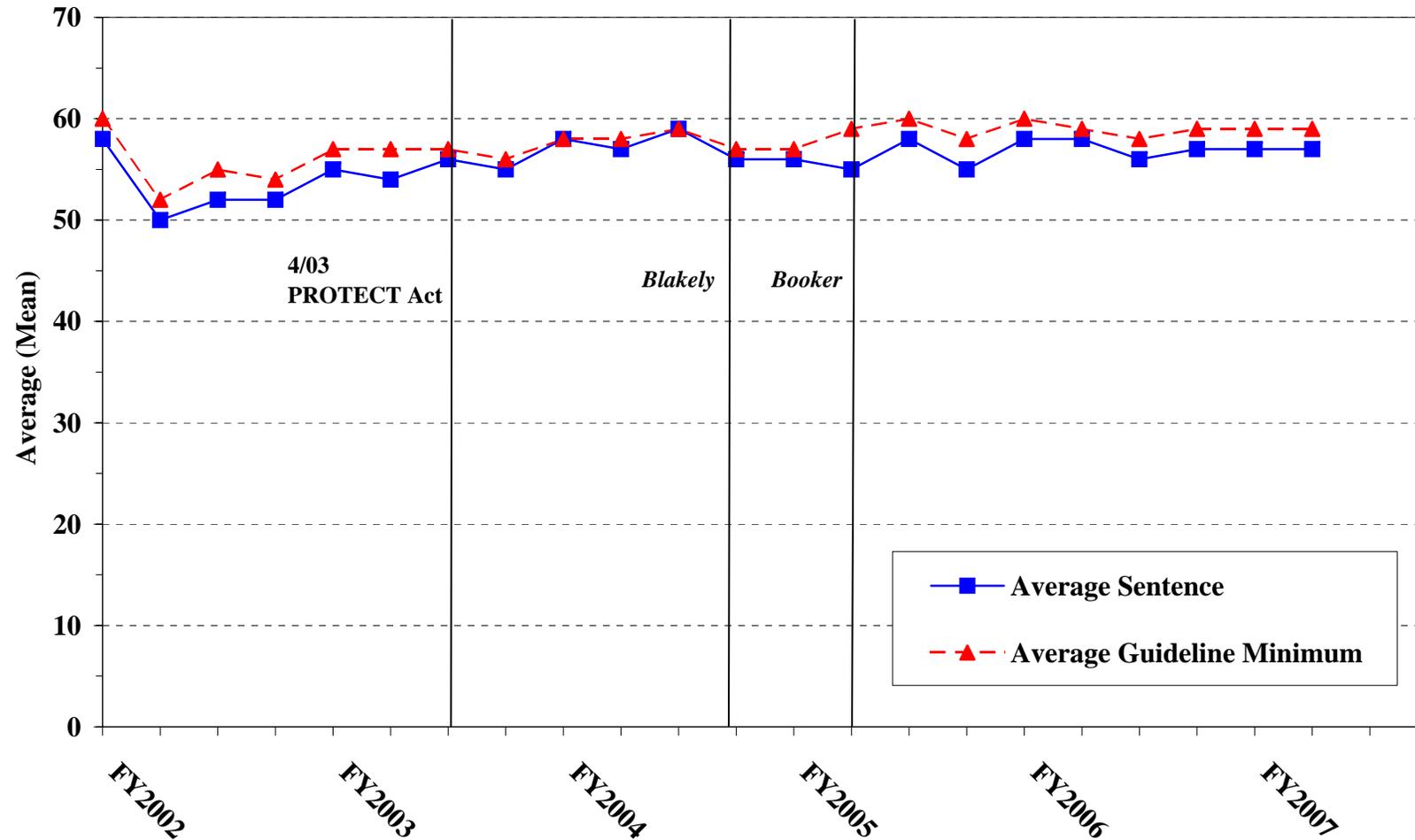
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY  
DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>  
Fiscal Years 2002 - 2007,  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure E

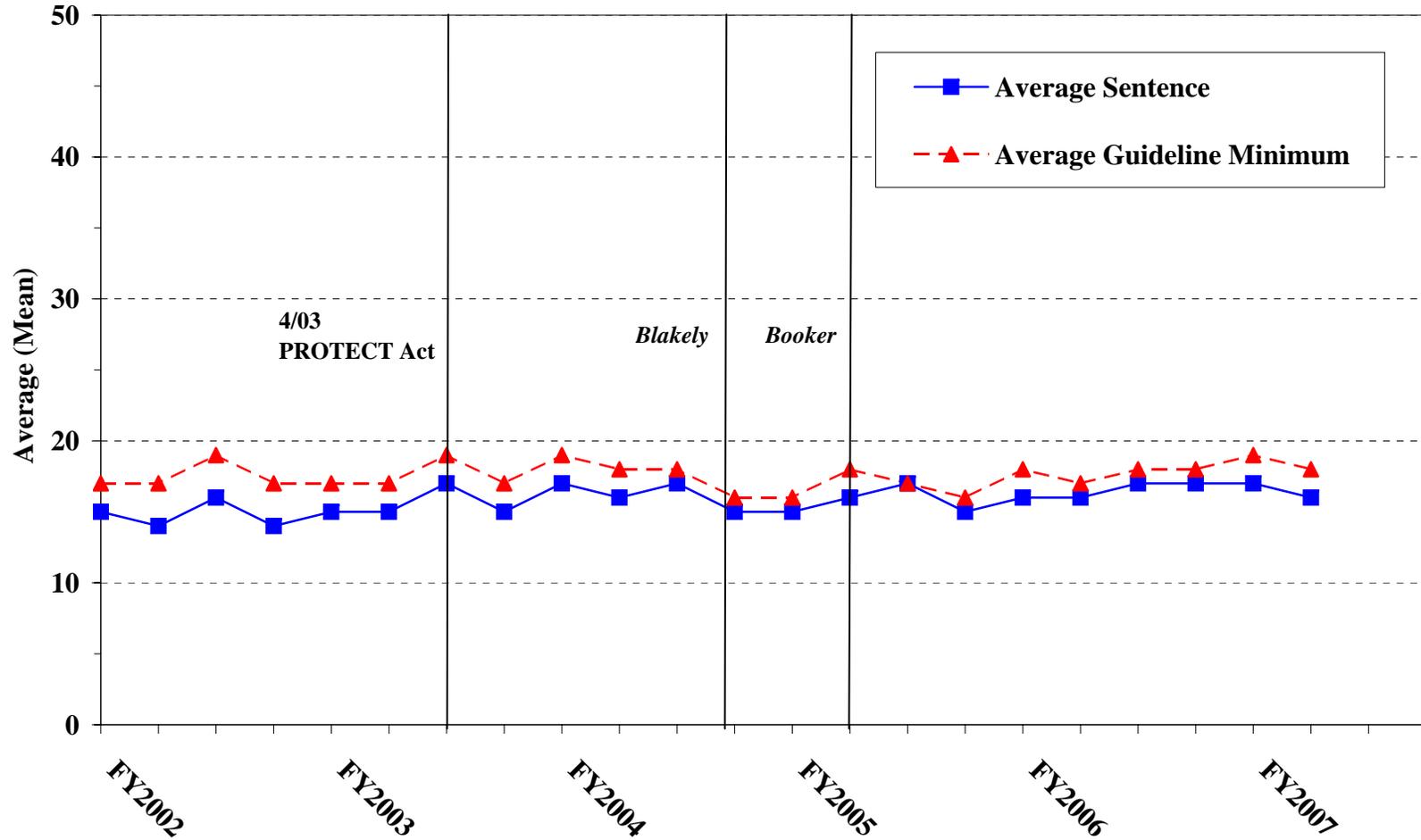
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>  
Fiscal Years 2002 - 2007,  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

**Figure F**

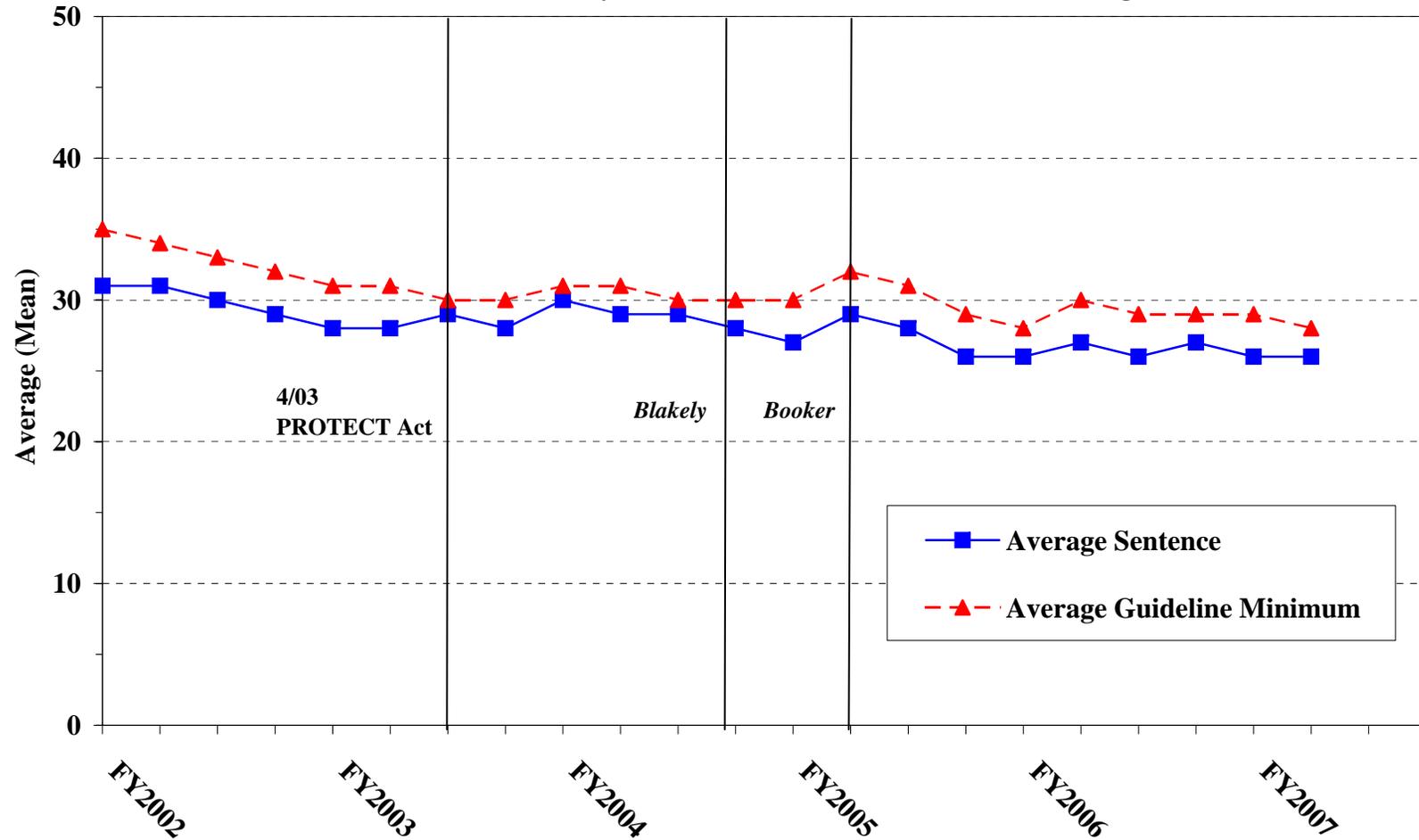
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>  
 Fiscal Years 2002 - 2007,  
 2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure G

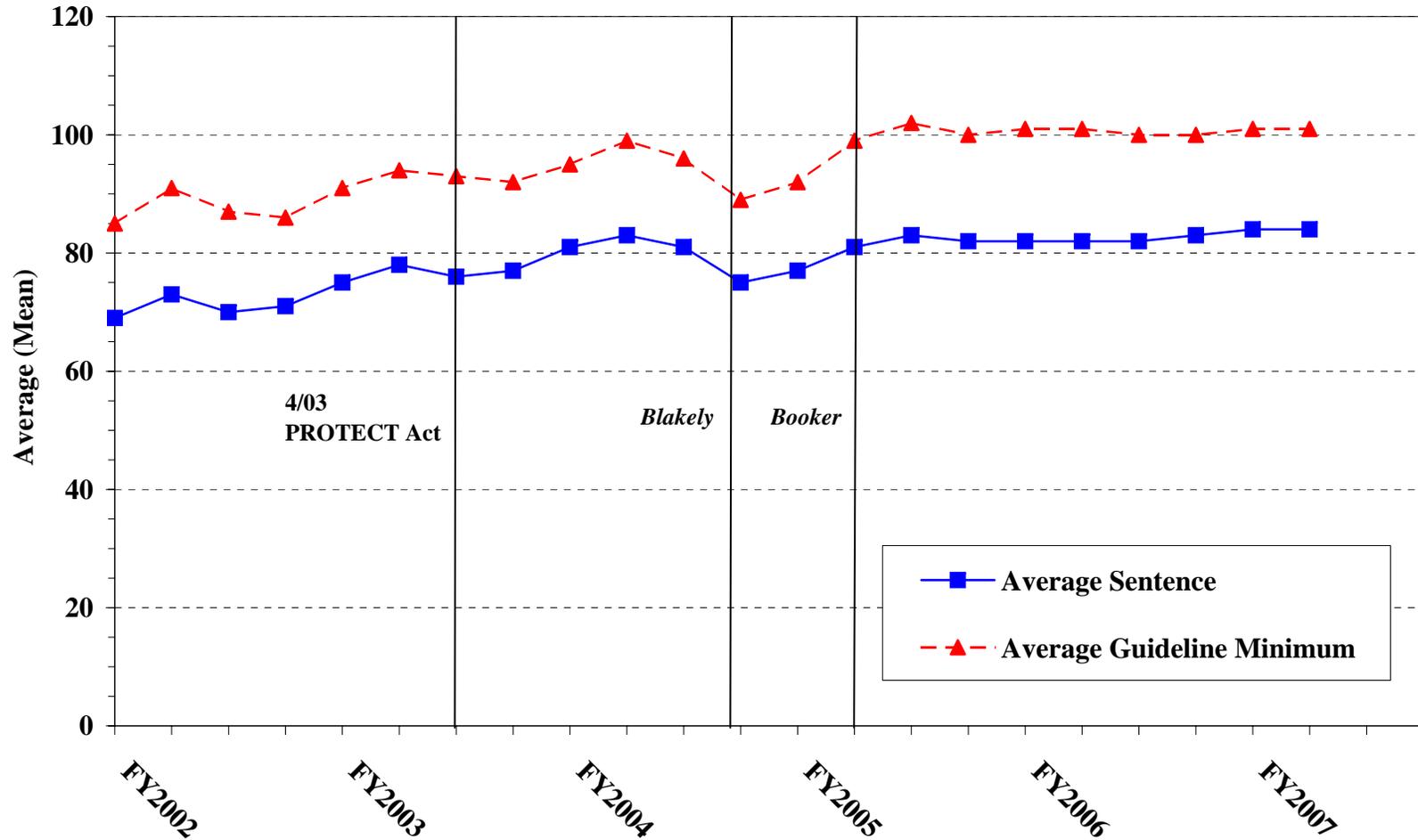
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR  
§2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>  
Fiscal Years 2002 - 2007,  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2L2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure H

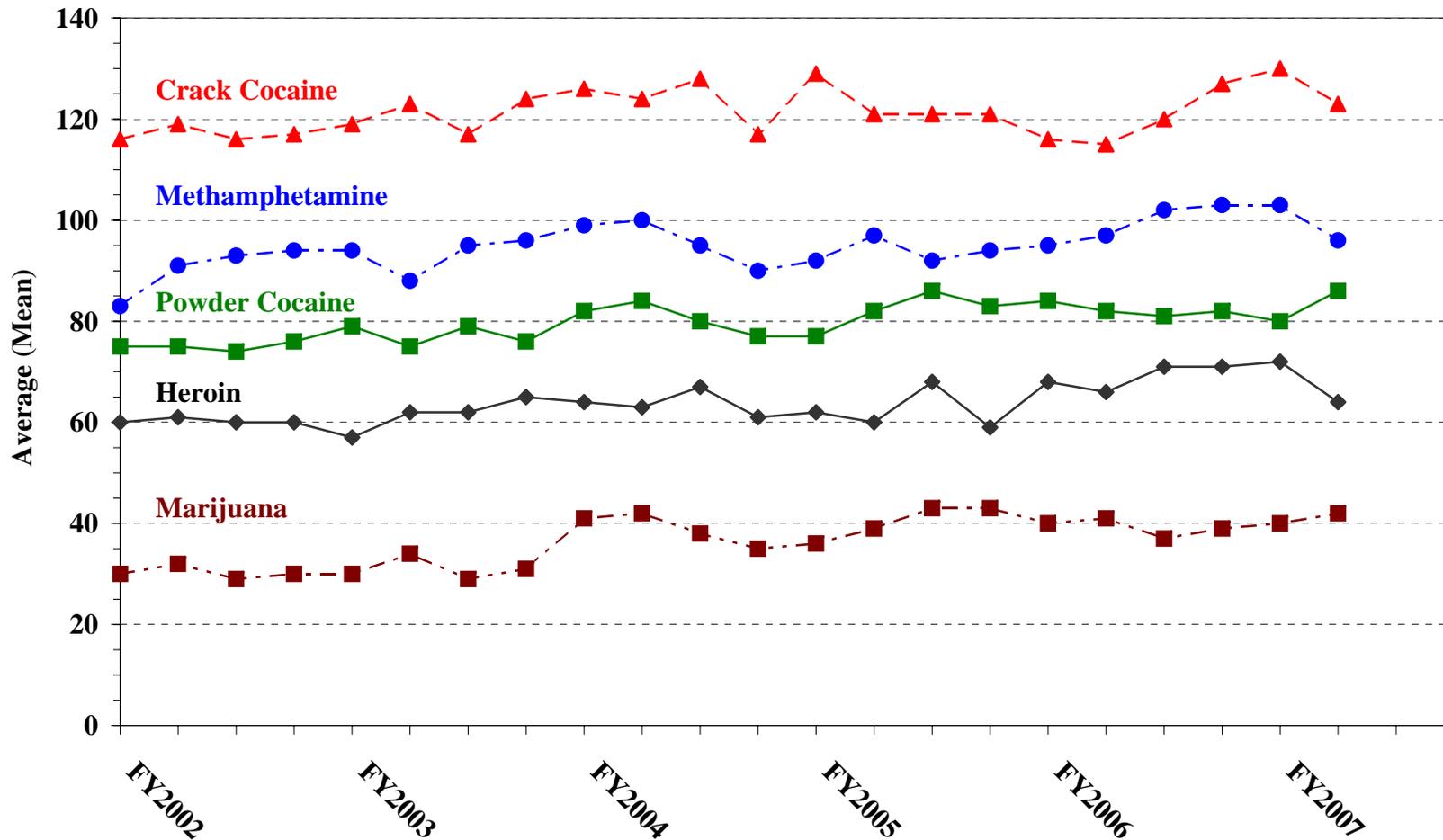
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>**  
**Fiscal Years 2002 - 2007,**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure I

**AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>**  
**Fiscal Years 2002 - 2007,**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

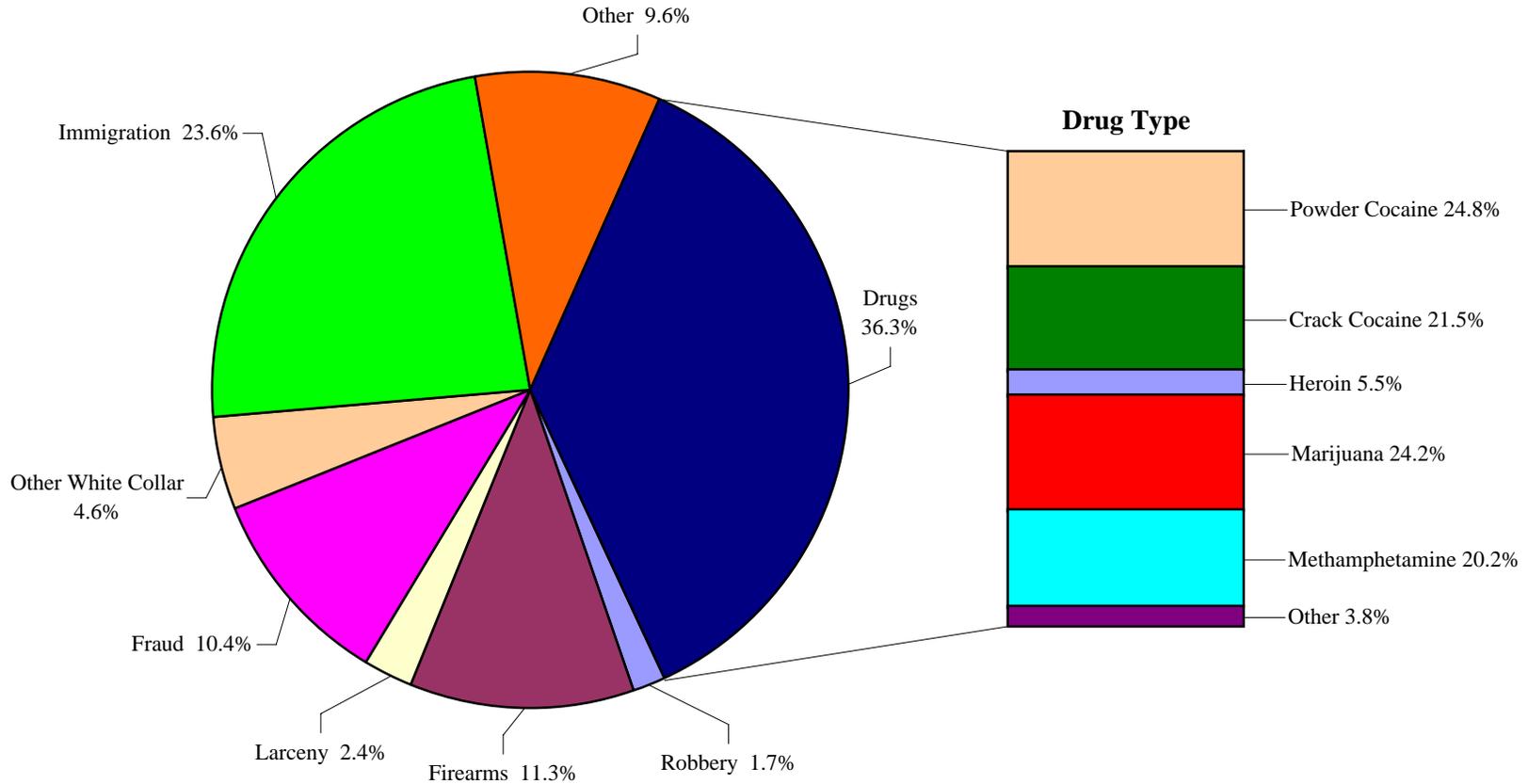
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>16,287</b>	<b>9,675</b>	<b>59.4</b>	<b>2,560</b>	<b>15.7</b>	<b>1,280</b>	<b>7.9</b>	<b>1,130</b>	<b>6.9</b>	<b>1,642</b>	<b>10.1</b>
Murder	15	5	33.3	4	26.7	1	6.7	3	20.0	2	13.3
Manslaughter	20	2	10.0	5	25.0	3	15.0	2	10.0	8	40.0
Kidnapping/Hostage Taking	12	9	75.0	2	16.7	0	0.0	0	0.0	1	8.3
Sexual Abuse	68	31	45.6	9	13.2	4	5.9	9	13.2	15	22.1
Assault	134	71	53.0	14	10.4	15	11.2	9	6.7	25	18.7
Robbery	348	187	53.7	66	19.0	31	8.9	31	8.9	33	9.5
Arson	10	8	80.0	0	0.0	0	0.0	1	10.0	1	10.0
Drugs - Trafficking	5,454	3,906	71.6	732	13.4	303	5.6	204	3.7	309	5.7
Drugs - Communication Facility	35	23	65.7	6	17.1	1	2.9	0	0.0	5	14.3
Drugs - Simple Possession	119	77	64.7	19	16.0	6	5.0	8	6.7	9	7.6
Firearms	2,162	1,228	56.8	308	14.2	190	8.8	141	6.5	295	13.6
Burglary/B&E	19	6	31.6	5	26.3	3	15.8	1	5.3	4	21.1
Auto Theft	20	9	45.0	4	20.0	1	5.0	2	10.0	4	20.0
Larceny	441	311	70.5	42	9.5	28	6.3	21	4.8	39	8.8
Fraud	1,806	1,043	57.8	263	14.6	129	7.1	159	8.8	212	11.7
Embezzlement	134	98	73.1	27	20.1	3	2.2	1	0.7	5	3.7
Forgery/Counterfeiting	323	158	48.9	42	13.0	36	11.1	28	8.7	59	18.3
Bribery	40	22	55.0	7	17.5	5	12.5	3	7.5	3	7.5
Tax	112	64	57.1	22	19.6	8	7.1	7	6.3	11	9.8
Money Laundering	167	112	67.1	26	15.6	6	3.6	14	8.4	9	5.4
Racketeering/Extortion	109	64	58.7	22	20.2	6	5.5	8	7.3	9	8.3
Gambling/Lottery	24	21	87.5	2	8.3	1	4.2	0	0.0	0	0.0
Civil Rights	15	10	66.7	1	6.7	2	13.3	0	0.0	2	13.3
Immigration	3,749	1,626	43.4	816	21.8	438	11.7	418	11.1	451	12.0
Pornography/Prostitution	353	214	60.6	40	11.3	23	6.5	25	7.1	51	14.4
Prison Offenses	106	45	42.5	21	19.8	13	12.3	6	5.7	21	19.8
Administration of Justice Offenses	228	130	57.0	24	10.5	13	5.7	20	8.8	41	18.0
Environmental/Wildlife	27	25	92.6	2	7.4	0	0.0	0	0.0	0	0.0
National Defense	4	3	75.0	0	0.0	0	0.0	1	25.0	0	0.0
Antitrust	2	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0
Food & Drug	18	13	72.2	3	16.7	0	0.0	1	5.6	1	5.6
Other Miscellaneous Offenses	213	153	71.8	25	11.7	11	5.2	7	3.3	17	8.0

<sup>1</sup>Of the 33,335 cases, 20,017 were sentenced within the applicable guideline range. Of those, 18,163 had complete guideline application information. An additional 1,059 cases were excluded due to several logical criteria. Of the remaining 17,104 cases, 817 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

Figure J

**DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**



<sup>1</sup>Of the 33,335 guideline cases, 192 were excluded due to missing primary offense category. An additional 267 of the 12,421 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Table 20

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

<b>PRIMARY OFFENSE</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>33,219</b>	<b>100.0</b>
Murder	33	0.1
Manslaughter	38	0.1
Kidnapping/Hostage Taking	29	0.1
Sexual Abuse	114	0.3
Assault	249	0.7
Robbery	570	1.7
Arson	28	0.1
Drugs - Trafficking	11,829	35.6
Drugs - Communication Facility	172	0.5
Drugs - Simple Possession	288	0.9
Firearms	3,747	11.3
Burglary/B&E	24	0.1
Auto Theft	30	0.1
Larceny	779	2.3
Fraud	3,416	10.3
Embezzlement	208	0.6
Forgery/Counterfeiting	521	1.6
Bribery	94	0.3
Tax	276	0.8
Money Laundering	425	1.3
Racketeering/Extortion	292	0.9
Gambling/Lottery	51	0.2
Civil Rights	31	0.1
Immigration	7,793	23.5
Pornography/Prostitution	706	2.1
Prison Offenses	152	0.5
Administration of Justice Offenses	431	1.3
Environmental/Wildlife	75	0.2
National Defense	11	0.0
Antitrust	10	0.0
Food & Drug	29	0.1
Other Miscellaneous Offenses	768	2.3

<sup>1</sup>Of the 33,335 cases, 116 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 21

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>33,217</b>	<b>31,816</b>	<b>95.8</b>	<b>1,401</b>	<b>4.2</b>
Murder	33	20	60.6	13	39.4
Manslaughter	38	33	86.8	5	13.2
Kidnapping/Hostage Taking	29	24	82.8	5	17.2
Sexual Abuse	114	96	84.2	18	15.8
Assault	249	228	91.6	21	8.4
Robbery	570	536	94.0	34	6.0
Arson	28	25	89.3	3	10.7
Drugs - Trafficking	11,829	11,325	95.7	504	4.3
Drugs - Communication Facility	172	172	100.0	0	0.0
Drugs - Simple Possession	287	282	98.3	5	1.7
Firearms	3,747	3,489	93.1	258	6.9
Burglary/B&E	24	22	91.7	2	8.3
Auto Theft	30	28	93.3	2	6.7
Larceny	779	759	97.4	20	2.6
Fraud	3,416	3,223	94.4	193	5.6
Embezzlement	208	200	96.2	8	3.8
Forgery/Counterfeiting	521	512	98.3	9	1.7
Bribery	94	83	88.3	11	11.7
Tax	276	254	92.0	22	8.0
Money Laundering	425	390	91.8	35	8.2
Racketeering/Extortion	292	247	84.6	45	15.4
Gambling/Lottery	51	51	100.0	0	0.0
Civil Rights	31	30	96.8	1	3.2
Immigration	7,792	7,716	99.0	76	1.0
Pornography/Prostitution	706	673	95.3	33	4.7
Prison Offenses	152	146	96.1	6	3.9
Administration of Justice Offenses	431	392	91.0	39	9.0
Environmental/Wildlife	75	73	97.3	2	2.7
National Defense	11	11	100.0	0	0.0
Antitrust	10	10	100.0	0	0.0
Food & Drug	29	27	93.1	2	6.9
Other Miscellaneous Offenses	768	739	96.2	29	3.8

<sup>1</sup>Of the 33,335 cases, 118 were excluded due to one or both of the following reasons: missing primary offense category (116) or missing information on mode of conviction (116). Descriptions of variables used in this table are provided in Appendix A.

Table 22

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>31,817</b>	<b>9,226</b>	<b>29.0</b>	<b>7,797</b>	<b>24.5</b>	<b>13,508</b>	<b>42.5</b>	<b>1,286</b>	<b>4.0</b>
Murder	31	8	25.8	5	16.1	5	16.1	13	41.9
Manslaughter	37	2	5.4	0	0.0	1	2.7	34	91.9
Kidnapping/Hostage Taking	29	2	6.9	8	27.6	19	65.5	0	0.0
Sexual Abuse	113	47	41.6	5	4.4	3	2.7	58	51.3
Assault	225	65	28.9	26	11.6	41	18.2	93	41.3
Robbery	566	239	42.2	255	45.1	49	8.7	23	4.1
Arson	28	19	67.9	5	17.9	2	7.1	2	7.1
Drugs - Trafficking	11,762	2,915	24.8	3,460	29.4	4,972	42.3	415	3.5
Drugs - Communication Facility	171	44	25.7	71	41.5	53	31.0	3	1.8
Drugs - Simple Possession	182	95	52.2	45	24.7	34	18.7	8	4.4
Firearms	3,717	1,243	33.4	1,799	48.4	580	15.6	95	2.6
Burglary/B&E	24	10	41.7	2	8.3	0	0.0	12	50.0
Auto Theft	29	6	20.7	11	37.9	10	34.5	2	6.9
Larceny	672	380	56.5	199	29.6	50	7.4	43	6.4
Fraud	3,305	1,610	48.7	1,019	30.8	509	15.4	167	5.1
Embezzlement	202	125	61.9	42	20.8	14	6.9	21	10.4
Forgery/Counterfeiting	509	254	49.9	184	36.1	62	12.2	9	1.8
Bribery	94	44	46.8	25	26.6	20	21.3	5	5.3
Tax	268	202	75.4	35	13.1	16	6.0	15	5.6
Money Laundering	416	144	34.6	66	15.9	172	41.3	34	8.2
Racketeering/Extortion	287	117	40.8	87	30.3	70	24.4	13	4.5
Gambling/Lottery	51	41	80.4	0	0.0	1	2.0	9	17.6
Civil Rights	29	23	79.3	2	6.9	2	6.9	2	6.9
Immigration	7,255	403	5.6	197	2.7	6,558	90.4	97	1.3
Pornography/Prostitution	702	596	84.9	22	3.1	53	7.5	31	4.4
Prison Offenses	142	61	43.0	40	28.2	32	22.5	9	6.3
Administration of Justice Offenses	412	167	40.5	96	23.3	129	31.3	20	4.9
Environmental/Wildlife	65	52	80.0	2	3.1	3	4.6	8	12.3
National Defense	11	6	54.5	0	0.0	3	27.3	2	18.2
Antitrust	8	8	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	27	19	70.4	0	0.0	7	25.9	1	3.7
Other Miscellaneous Offenses	448	279	62.3	89	19.9	38	8.5	42	9.4

<sup>1</sup>Of the 33,335 cases, 1,518 were excluded due to one or both of the following reasons: missing primary offense category (116) or missing race (1,516). Descriptions of variables used in this table are provided in Appendix A.

Table 23

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,338</b>	<b>28,047</b>	<b>86.7</b>	<b>4,291</b>	<b>13.3</b>
Murder	33	30	90.9	3	9.1
Manslaughter	38	31	81.6	7	18.4
Kidnapping/Hostage Taking	29	29	100.0	0	0.0
Sexual Abuse	113	110	97.3	3	2.7
Assault	235	206	87.7	29	12.3
Robbery	567	513	90.5	54	9.5
Arson	28	26	92.9	2	7.1
Drugs - Trafficking	11,787	10,325	87.6	1,462	12.4
Drugs - Communication Facility	172	134	77.9	38	22.1
Drugs - Simple Possession	219	167	76.3	52	23.7
Firearms	3,735	3,611	96.7	124	3.3
Burglary/B&E	24	23	95.8	1	4.2
Auto Theft	29	25	86.2	4	13.8
Larceny	704	433	61.5	271	38.5
Fraud	3,344	2,358	70.5	986	29.5
Embezzlement	205	89	43.4	116	56.6
Forgery/Counterfeiting	515	369	71.7	146	28.3
Bribery	94	85	90.4	9	9.6
Tax	274	222	81.0	52	19.0
Money Laundering	420	318	75.7	102	24.3
Racketeering/Extortion	289	265	91.7	24	8.3
Gambling/Lottery	51	44	86.3	7	13.7
Civil Rights	31	23	74.2	8	25.8
Immigration	7,439	6,937	93.3	502	6.7
Pornography/Prostitution	703	681	96.9	22	3.1
Prison Offenses	147	135	91.8	12	8.2
Administration of Justice Offenses	419	299	71.4	120	28.6
Environmental/Wildlife	70	68	97.1	2	2.9
National Defense	11	11	100.0	0	0.0
Antitrust	9	9	100.0	0	0.0
Food & Drug	27	24	88.9	3	11.1
Other Miscellaneous Offenses	577	447	77.5	130	22.5

<sup>1</sup>Of the 33,335 cases, 997 were excluded due to one or both of the following reasons: missing primary offense category (116) or missing gender (970). Descriptions of variables used in this table are provided in Appendix A.

Table 24

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
<b>Males</b>	<b>7,561</b>	<b>100.0</b>	<b>6,734</b>	<b>100.0</b>	<b>12,128</b>	<b>100.0</b>	<b>1,037</b>	<b>100.0</b>
<b>Under 21</b>	163	2.2	224	3.3	597	4.9	53	5.1
<b>21 - 25</b>	868	11.5	1,275	18.9	2,195	18.1	193	18.6
<b>26 - 30</b>	1,077	14.2	1,654	24.6	2,647	21.8	190	18.3
<b>31 - 35</b>	1,077	14.2	1,438	21.4	2,371	19.5	170	16.4
<b>36 - 40</b>	1,040	13.8	845	12.5	1,771	14.6	146	14.1
<b>41 - 50</b>	1,824	24.1	928	13.8	1,919	15.8	193	18.6
<b>Over 50</b>	1,512	20.0	370	5.5	628	5.2	92	8.9
<b>Females</b>	<b>1,644</b>	<b>100.0</b>	<b>1,048</b>	<b>100.0</b>	<b>1,226</b>	<b>100.0</b>	<b>243</b>	<b>100.0</b>
<b>Under 21</b>	44	2.7	25	2.4	78	6.4	6	2.5
<b>21 - 25</b>	250	15.2	189	18.0	232	18.9	40	16.5
<b>26 - 30</b>	253	15.4	215	20.5	236	19.2	47	19.3
<b>31 - 35</b>	247	15.0	157	15.0	210	17.1	38	15.6
<b>36 - 40</b>	220	13.4	155	14.8	162	13.2	33	13.6
<b>41 - 50</b>	391	23.8	198	18.9	221	18.0	52	21.4
<b>Over 50</b>	239	14.5	109	10.4	87	7.1	27	11.1

<sup>1</sup>Of the 33,335 cases, 1,714 were excluded due to one or more of the following reasons: missing race (1,516), missing gender (970), or missing age (439). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Table 25

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,161</b>	<b>20,562</b>	<b>63.9</b>	<b>11,599</b>	<b>36.1</b>
Murder	31	27	87.1	4	12.9
Manslaughter	37	36	97.3	1	2.7
Kidnapping/Hostage Taking	29	9	31.0	20	69.0
Sexual Abuse	113	105	92.9	8	7.1
Assault	225	201	89.3	24	10.7
Robbery	566	547	96.6	19	3.4
Arson	28	28	100.0	0	0.0
Drugs - Trafficking	11,744	8,419	71.7	3,325	28.3
Drugs - Communication Facility	172	137	79.7	35	20.3
Drugs - Simple Possession	184	157	85.3	27	14.7
Firearms	3,719	3,458	93.0	261	7.0
Burglary/B&E	24	24	100.0	0	0.0
Auto Theft	29	25	86.2	4	13.8
Larceny	664	621	93.5	43	6.5
Fraud	3,309	2,755	83.3	554	16.7
Embezzlement	201	198	98.5	3	1.5
Forgery/Counterfeiting	509	463	91.0	46	9.0
Bribery	94	83	88.3	11	11.7
Tax	270	251	93.0	19	7.0
Money Laundering	413	278	67.3	135	32.7
Racketeering/Extortion	286	235	82.2	51	17.8
Gambling/Lottery	51	44	86.3	7	13.7
Civil Rights	29	26	89.7	3	10.3
Immigration	7,615	804	10.6	6,811	89.4
Pornography/Prostitution	701	667	95.1	34	4.9
Prison Offenses	144	137	95.1	7	4.9
Administration of Justice Offenses	408	324	79.4	84	20.6
Environmental/Wildlife	64	58	90.6	6	9.4
National Defense	11	8	72.7	3	27.3
Antitrust	8	8	100.0	0	0.0
Food & Drug	27	24	88.9	3	11.1
Other Miscellaneous Offenses	456	405	88.8	51	11.2

<sup>1</sup>Of the 33,335 cases, 1,174 were excluded due to one or both of the following reasons: missing primary offense category (116) or missing citizenship information (1,174). Descriptions of variables used in this table are provided in Appendix A.

Table 26

**DOCUMENT SUBMISSION RATE OF EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>33,335</b>	<b>155,498</b>	<b>98.4</b>	<b>2,578</b>	<b>1.6</b>	<b>33,168</b>	<b>99.5</b>	<b>167</b>	<b>0.5</b>	<b>32,474</b>	<b>97.4</b>	<b>861</b>	<b>2.6</b>
<b>D.C. CIRCUIT</b>	<b>272</b>	<b>1,327</b>	<b>99.6</b>	<b>5</b>	<b>0.4</b>	<b>272</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>271</b>	<b>99.6</b>	<b>1</b>	<b>0.4</b>
District of Columbia	272	1,327	99.6	5	0.4	272	100.0	0	0.0	271	99.6	1	0.4
<b>FIRST CIRCUIT</b>	<b>909</b>	<b>4,174</b>	<b>99.2</b>	<b>33</b>	<b>0.8</b>	<b>909</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>901</b>	<b>99.1</b>	<b>8</b>	<b>0.9</b>
Maine	88	381	99.5	2	0.5	88	100.0	0	0.0	88	100.0	0	0.0
Massachusetts	302	1,345	99.1	12	0.9	302	100.0	0	0.0	301	99.7	1	0.3
New Hampshire	99	482	99.2	4	0.8	99	100.0	0	0.0	98	99.0	1	1.0
Puerto Rico	363	1,703	99.5	8	0.5	363	100.0	0	0.0	361	99.4	2	0.6
Rhode Island	57	263	97.4	7	2.6	57	100.0	0	0.0	53	93.0	4	7.0
<b>SECOND CIRCUIT</b>	<b>2,040</b>	<b>9,627</b>	<b>99.2</b>	<b>80</b>	<b>0.8</b>	<b>2,037</b>	<b>99.9</b>	<b>3</b>	<b>0.1</b>	<b>2,029</b>	<b>99.5</b>	<b>11</b>	<b>0.5</b>
Connecticut	173	851	99.5	4	0.5	172	99.4	1	0.6	173	100.0	0	0.0
New York													
Eastern	495	2,413	99.9	2	0.1	495	100.0	0	0.0	495	100.0	0	0.0
Northern	199	925	98.5	14	1.5	199	100.0	0	0.0	196	98.5	3	1.5
Southern	714	3,208	98.6	45	1.4	714	100.0	0	0.0	708	99.2	6	0.8
Western	377	1,820	99.2	15	0.8	375	99.5	2	0.5	375	99.5	2	0.5
Vermont	82	410	100.0	0	0.0	82	100.0	0	0.0	82	100.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>1,386</b>	<b>6,613</b>	<b>99.0</b>	<b>68</b>	<b>1.0</b>	<b>1,381</b>	<b>99.6</b>	<b>5</b>	<b>0.4</b>	<b>1,371</b>	<b>98.9</b>	<b>15</b>	<b>1.1</b>
Delaware	33	163	100.0	0	0.0	33	100.0	0	0.0	33	100.0	0	0.0
New Jersey	442	2,143	98.6	31	1.4	438	99.1	4	0.9	438	99.1	4	0.9
Pennsylvania													
Eastern	344	1,602	98.6	23	1.4	343	99.7	1	0.3	333	96.8	11	3.2
Middle	267	1,321	100.0	0	0.0	267	100.0	0	0.0	267	100.0	0	0.0
Western	255	1,173	99.0	12	1.0	255	100.0	0	0.0	255	100.0	0	0.0
Virgin Islands	45	211	99.1	2	0.9	45	100.0	0	0.0	45	100.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>2,973</b>	<b>13,752</b>	<b>97.9</b>	<b>293</b>	<b>2.1</b>	<b>2,966</b>	<b>99.8</b>	<b>7</b>	<b>0.2</b>	<b>2,814</b>	<b>94.7</b>	<b>159</b>	<b>5.3</b>
Maryland	338	1,588	97.7	37	2.3	338	100.0	0	0.0	316	93.5	22	6.5
North Carolina													
Eastern	273	1,267	99.7	4	0.3	273	100.0	0	0.0	271	99.3	2	0.7
Middle	217	1,050	99.4	6	0.6	217	100.0	0	0.0	217	100.0	0	0.0
Western	257	1,200	99.4	7	0.6	257	100.0	0	0.0	255	99.2	2	0.8
South Carolina	558	2,594	99.2	22	0.8	557	99.8	1	0.2	553	99.1	5	0.9
Virginia													
Eastern	734	3,151	93.9	205	6.1	730	99.5	4	0.5	610	83.1	124	16.9
Western	300	1,455	99.6	6	0.4	299	99.7	1	0.3	298	99.3	2	0.7
West Virginia													
Northern	151	743	99.7	2	0.3	151	100.0	0	0.0	150	99.3	1	0.7
Southern	145	704	99.4	4	0.6	144	99.3	1	0.7	144	99.3	1	0.7

Table 26 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>24,975</b>	<b>76.2</b>	<b>823</b>	<b>2.5</b>	<b>6,968</b>	<b>21.3</b>	<b>32,920</b>	<b>98.8</b>	<b>415</b>	<b>1.2</b>	<b>31,961</b>	<b>95.9</b>	<b>312</b>	<b>0.9</b>	<b>1,062</b>	<b>3.2</b>
<b>D.C. CIRCUIT</b>	<b>244</b>	<b>89.7</b>	<b>1</b>	<b>0.4</b>	<b>27</b>	<b>9.9</b>	<b>269</b>	<b>98.9</b>	<b>3</b>	<b>1.1</b>	<b>271</b>	<b>99.6</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.4</b>
District of Columbia	244	89.7	1	0.4	27	9.9	269	98.9	3	1.1	271	99.6	0	0.0	1	0.4
<b>FIRST CIRCUIT</b>	<b>577</b>	<b>64.7</b>	<b>22</b>	<b>2.5</b>	<b>293</b>	<b>32.8</b>	<b>907</b>	<b>99.8</b>	<b>2</b>	<b>0.2</b>	<b>880</b>	<b>96.8</b>	<b>1</b>	<b>0.1</b>	<b>28</b>	<b>3.1</b>
Maine	30	34.5	2	2.3	55	63.2	88	100.0	0	0.0	87	98.9	0	0.0	1	1.1
Massachusetts	143	47.8	11	3.7	145	48.5	302	100.0	0	0.0	297	98.3	0	0.0	5	1.7
New Hampshire	89	89.9	2	2.0	8	8.1	98	99.0	1	1.0	98	99.0	0	0.0	1	1.0
Puerto Rico	276	78.9	4	1.1	70	20.0	362	99.7	1	0.3	341	93.9	1	0.3	21	5.8
Rhode Island	39	68.4	3	5.3	15	26.3	57	100.0	0	0.0	57	100.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>1,552</b>	<b>78.9</b>	<b>43</b>	<b>2.2</b>	<b>371</b>	<b>18.9</b>	<b>2,026</b>	<b>99.3</b>	<b>14</b>	<b>0.7</b>	<b>1,983</b>	<b>97.2</b>	<b>9</b>	<b>0.4</b>	<b>48</b>	<b>2.4</b>
Connecticut	162	94.2	1	0.6	9	5.2	172	99.4	1	0.6	172	99.4	1	0.6	0	0.0
New York																
Eastern	438	89.6	2	0.4	49	10.0	495	100.0	0	0.0	490	99.0	0	0.0	5	1.0
Northern	146	74.9	6	3.1	43	22.1	197	99.0	2	1.0	187	94.0	3	1.5	9	4.5
Southern	368	56.4	33	5.1	252	38.6	710	99.4	4	0.6	708	99.2	2	0.3	4	0.6
Western	356	94.9	1	0.3	18	4.8	370	98.1	7	1.9	344	91.2	3	0.8	30	8.0
Vermont	82	100.0	0	0.0	0	0.0	82	100.0	0	0.0	82	100.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>1,135</b>	<b>82.6</b>	<b>17</b>	<b>1.2</b>	<b>222</b>	<b>16.2</b>	<b>1,360</b>	<b>98.1</b>	<b>26</b>	<b>1.9</b>	<b>1,366</b>	<b>98.6</b>	<b>5</b>	<b>0.4</b>	<b>15</b>	<b>1.1</b>
Delaware	31	93.9	0	0.0	2	6.1	33	100.0	0	0.0	33	100.0	0	0.0	0	0.0
New Jersey	403	91.4	5	1.1	33	7.5	427	96.6	15	3.4	437	98.9	3	0.7	2	0.5
Pennsylvania																
Eastern	247	72.2	4	1.2	91	26.6	338	98.3	6	1.7	341	99.1	1	0.3	2	0.6
Middle	255	95.9	0	0.0	11	4.1	267	100.0	0	0.0	265	99.3	0	0.0	2	0.7
Western	168	68.0	6	2.4	73	29.6	250	98.0	5	2.0	245	96.1	1	0.4	9	3.5
Virgin Islands	31	68.9	2	4.4	12	26.7	45	100.0	0	0.0	45	100.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>2,274</b>	<b>77.8</b>	<b>42</b>	<b>1.4</b>	<b>608</b>	<b>20.8</b>	<b>2,906</b>	<b>97.7</b>	<b>67</b>	<b>2.3</b>	<b>2,792</b>	<b>93.9</b>	<b>18</b>	<b>0.6</b>	<b>163</b>	<b>5.5</b>
Maryland	286	87.7	4	1.2	36	11.0	332	98.2	6	1.8	316	93.5	5	1.5	17	5.0
North Carolina																
Eastern	189	72.1	1	0.4	72	27.5	272	99.6	1	0.4	262	96.0	0	0.0	11	4.0
Middle	192	88.5	2	0.9	23	10.6	215	99.1	2	0.9	209	96.3	2	0.9	6	2.8
Western	177	70.0	3	1.2	73	28.9	256	99.6	1	0.4	255	99.2	1	0.4	1	0.4
South Carolina	376	68.0	12	2.2	165	29.8	556	99.6	2	0.4	552	98.9	2	0.4	4	0.7
Virginia																
Eastern	521	72.6	17	2.4	180	25.1	682	92.9	52	7.1	608	82.8	8	1.1	118	16.1
Western	261	87.0	2	0.7	37	12.3	299	99.7	1	0.3	298	99.3	0	0.0	2	0.7
West Virginia																
Northern	141	93.4	1	0.7	9	6.0	151	100.0	0	0.0	150	99.3	0	0.0	1	0.7
Southern	131	91.0	0	0.0	13	9.0	143	98.6	2	1.4	142	97.9	0	0.0	3	2.1

Table 26 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>7,177</b>	<b>32,918</b>	<b>99.0</b>	<b>348</b>	<b>1.0</b>	<b>7,166</b>	<b>99.8</b>	<b>11</b>	<b>0.2</b>	<b>7,130</b>	<b>99.3</b>	<b>47</b>	<b>0.7</b>
Louisiana													
Eastern	186	815	95.0	43	5.0	179	96.2	7	3.8	182	97.8	4	2.2
Middle	74	358	100.0	0	0.0	74	100.0	0	0.0	74	100.0	0	0.0
Western	230	1,096	99.6	4	0.4	230	100.0	0	0.0	229	99.6	1	0.4
Mississippi													
Northern	84	417	99.3	3	0.7	84	100.0	0	0.0	83	98.8	1	1.2
Southern	206	992	98.9	11	1.1	206	100.0	0	0.0	204	99.0	2	1.0
Texas													
Eastern	550	2,677	99.8	5	0.2	549	99.8	1	0.2	550	100.0	0	0.0
Northern	488	2,292	99.7	6	0.3	488	100.0	0	0.0	483	99.0	5	1.0
Southern	2,752	12,779	99.3	96	0.7	2,751	100.0	1	0.0	2,746	99.8	6	0.2
Western	2,607	11,492	98.5	180	1.5	2,605	99.9	2	0.1	2,579	98.9	28	1.1
<b>SIXTH CIRCUIT</b>	<b>2,530</b>	<b>11,947</b>	<b>98.8</b>	<b>146</b>	<b>1.2</b>	<b>2,527</b>	<b>99.9</b>	<b>3</b>	<b>0.1</b>	<b>2,485</b>	<b>98.2</b>	<b>45</b>	<b>1.8</b>
Kentucky													
Eastern	317	1,532	99.4	10	0.6	316	99.7	1	0.3	315	99.4	2	0.6
Western	209	899	97.0	28	3.0	209	100.0	0	0.0	195	93.3	14	6.7
Michigan													
Eastern	384	1,853	99.8	4	0.2	384	100.0	0	0.0	383	99.7	1	0.3
Western	217	1,035	98.7	14	1.3	217	100.0	0	0.0	214	98.6	3	1.4
Ohio													
Northern	451	2,125	98.4	34	1.6	451	100.0	0	0.0	449	99.6	2	0.4
Southern	270	1,310	98.6	19	1.4	269	99.6	1	0.4	261	96.7	9	3.3
Tennessee													
Eastern	307	1,434	98.8	18	1.2	306	99.7	1	0.3	305	99.3	2	0.7
Middle	125	581	97.0	18	3.0	125	100.0	0	0.0	113	90.4	12	9.6
Western	250	1,178	99.9	1	0.1	250	100.0	0	0.0	250	100.0	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>1,413</b>	<b>6,766</b>	<b>99.4</b>	<b>42</b>	<b>0.6</b>	<b>1,411</b>	<b>99.9</b>	<b>2</b>	<b>0.1</b>	<b>1,403</b>	<b>99.3</b>	<b>10</b>	<b>0.7</b>
Illinois													
Central	175	800	99.9	1	0.1	175	100.0	0	0.0	175	100.0	0	0.0
Northern	333	1,579	98.4	25	1.6	331	99.4	2	0.6	324	97.3	9	2.7
Southern	185	881	99.5	4	0.5	185	100.0	0	0.0	185	100.0	0	0.0
Indiana													
Northern	231	1,116	99.6	5	0.4	231	100.0	0	0.0	231	100.0	0	0.0
Southern	157	763	100.0	0	0.0	157	100.0	0	0.0	157	100.0	0	0.0
Wisconsin													
Eastern	236	1,164	99.8	2	0.2	236	100.0	0	0.0	236	100.0	0	0.0
Western	96	463	98.9	5	1.1	96	100.0	0	0.0	95	99.0	1	1.0
<b>EIGHTH CIRCUIT</b>	<b>2,430</b>	<b>11,598</b>	<b>99.5</b>	<b>64</b>	<b>0.5</b>	<b>2,429</b>	<b>100.0</b>	<b>1</b>	<b>0.0</b>	<b>2,417</b>	<b>99.5</b>	<b>13</b>	<b>0.5</b>
Arkansas													
Eastern	143	681	99.3	5	0.7	143	100.0	0	0.0	143	100.0	0	0.0
Western	90	439	99.3	3	0.7	90	100.0	0	0.0	90	100.0	0	0.0
Iowa													
Northern	252	1,166	99.8	2	0.2	252	100.0	0	0.0	252	100.0	0	0.0
Southern	130	601	98.7	8	1.3	130	100.0	0	0.0	129	99.2	1	0.8
Minnesota	262	1,286	99.8	2	0.2	262	100.0	0	0.0	260	99.2	2	0.8
Missouri													
Eastern	486	2,398	99.5	13	0.5	485	99.8	1	0.2	480	98.8	6	1.2
Western	393	1,802	99.4	11	0.6	393	100.0	0	0.0	391	99.5	2	0.5
Nebraska	357	1,756	99.7	5	0.3	357	100.0	0	0.0	356	99.7	1	0.3
North Dakota	88	410	99.3	3	0.7	88	100.0	0	0.0	88	100.0	0	0.0
South Dakota	229	1,059	98.9	12	1.1	229	100.0	0	0.0	228	99.6	1	0.4

Table 26 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>4,516</b>	<b>63.7</b>	<b>224</b>	<b>3.2</b>	<b>2,345</b>	<b>33.1</b>	<b>7,134</b>	<b>99.4</b>	<b>43</b>	<b>0.6</b>	<b>6,972</b>	<b>97.1</b>	<b>23</b>	<b>0.3</b>	<b>182</b>	<b>2.5</b>
Louisiana																
Eastern	96	51.6	18	9.7	72	38.7	178	95.7	8	4.3	180	96.8	6	3.2	0	0.0
Middle	62	83.8	0	0.0	12	16.2	74	100.0	0	0.0	74	100.0	0	0.0	0	0.0
Western	195	86.7	2	0.9	28	12.4	229	99.6	1	0.4	213	92.6	0	0.0	17	7.4
Mississippi																
Northern	83	98.8	1	1.2	0	0.0	83	98.8	1	1.2	84	100.0	0	0.0	0	0.0
Southern	174	85.3	5	2.5	25	12.3	203	98.5	3	1.5	205	99.5	1	0.5	0	0.0
Texas																
Eastern	481	87.5	2	0.4	67	12.2	549	99.8	1	0.2	548	99.6	1	0.2	1	0.2
Northern	347	71.1	1	0.2	140	28.7	488	100.0	0	0.0	486	99.6	0	0.0	2	0.4
Southern	1,825	66.9	73	2.7	831	30.5	2,741	99.6	11	0.4	2,716	98.7	5	0.2	31	1.1
Western	1,253	49.2	122	4.8	1,170	46.0	2,589	99.3	18	0.7	2,466	94.6	10	0.4	131	5.0
<b>SIXTH CIRCUIT</b>	<b>1,992</b>	<b>79.5</b>	<b>76</b>	<b>3.0</b>	<b>437</b>	<b>17.4</b>	<b>2,517</b>	<b>99.5</b>	<b>13</b>	<b>0.5</b>	<b>2,426</b>	<b>95.9</b>	<b>9</b>	<b>0.4</b>	<b>95</b>	<b>3.8</b>
Kentucky																
Eastern	272	86.3	6	1.9	37	11.7	316	99.7	1	0.3	313	98.7	0	0.0	4	1.3
Western	138	70.1	14	7.1	45	22.8	209	100.0	0	0.0	148	70.8	0	0.0	61	29.2
Michigan																
Eastern	319	84.2	3	0.8	57	15.0	384	100.0	0	0.0	383	99.7	0	0.0	1	0.3
Western	180	83.3	5	2.3	31	14.4	215	99.1	2	0.9	209	96.3	4	1.8	4	1.8
Ohio																
Northern	326	72.6	29	6.5	94	20.9	449	99.6	2	0.4	450	99.8	1	0.2	0	0.0
Southern	247	91.8	7	2.6	15	5.6	269	99.6	1	0.4	264	97.8	1	0.4	5	1.9
Tennessee																
Eastern	218	71.0	7	2.3	82	26.7	301	98.0	6	2.0	304	99.0	2	0.7	1	0.3
Middle	110	88.0	4	3.2	11	8.8	124	99.2	1	0.8	109	87.2	1	0.8	15	12.0
Western	182	73.4	1	0.4	65	26.2	250	100.0	0	0.0	246	98.4	0	0.0	4	1.6
<b>SEVENTH CIRCUIT</b>	<b>1,140</b>	<b>80.8</b>	<b>20</b>	<b>1.4</b>	<b>251</b>	<b>17.8</b>	<b>1,406</b>	<b>99.5</b>	<b>7</b>	<b>0.5</b>	<b>1,406</b>	<b>99.5</b>	<b>3</b>	<b>0.2</b>	<b>4</b>	<b>0.3</b>
Illinois																
Central	100	57.1	1	0.6	74	42.3	175	100.0	0	0.0	175	100.0	0	0.0	0	0.0
Northern	260	78.3	12	3.6	60	18.1	332	99.7	1	0.3	332	99.7	1	0.3	0	0.0
Southern	145	78.8	2	1.1	37	20.1	184	99.5	1	0.5	182	98.4	1	0.5	2	1.1
Indiana																
Northern	194	84.0	3	1.3	34	14.7	230	99.6	1	0.4	230	99.6	1	0.4	0	0.0
Southern	135	86.0	0	0.0	22	14.0	157	100.0	0	0.0	157	100.0	0	0.0	0	0.0
Wisconsin																
Eastern	221	93.6	1	0.4	14	5.9	235	99.6	1	0.4	236	100.0	0	0.0	0	0.0
Western	85	88.5	1	1.0	10	10.4	93	96.9	3	3.1	94	97.9	0	0.0	2	2.1
<b>EIGHTH CIRCUIT</b>	<b>1,935</b>	<b>80.0</b>	<b>32</b>	<b>1.3</b>	<b>453</b>	<b>18.7</b>	<b>2,418</b>	<b>99.5</b>	<b>12</b>	<b>0.5</b>	<b>2,399</b>	<b>98.7</b>	<b>6</b>	<b>0.2</b>	<b>25</b>	<b>1.0</b>
Arkansas																
Eastern	112	79.4	3	2.1	26	18.4	142	99.3	1	0.7	141	98.6	1	0.7	1	0.7
Western	81	90.0	2	2.2	7	7.8	89	98.9	1	1.1	89	98.9	0	0.0	1	1.1
Iowa																
Northern	161	64.1	1	0.4	89	35.5	251	99.6	1	0.4	250	99.2	0	0.0	2	0.8
Southern	90	69.8	5	3.9	34	26.4	129	99.2	1	0.8	123	94.6	1	0.8	6	4.6
Minnesota	251	95.8	0	0.0	11	4.2	262	100.0	0	0.0	251	95.8	0	0.0	11	4.2
Missouri																
Eastern	464	95.7	3	0.6	18	3.7	485	99.8	1	0.2	484	99.6	2	0.4	0	0.0
Western	236	60.1	6	1.5	151	38.4	390	99.2	3	0.8	392	99.7	0	0.0	1	0.3
Nebraska	334	94.1	2	0.6	19	5.4	356	99.7	1	0.3	353	98.9	1	0.3	3	0.8
North Dakota	59	67.8	2	2.3	26	29.9	87	98.9	1	1.1	88	100.0	0	0.0	0	0.0
South Dakota	147	64.8	8	3.5	72	31.7	227	99.1	2	0.9	228	99.6	1	0.4	0	0.0

Table 26 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>6,005</b>	<b>28,058</b>	<b>96.2</b>	<b>1,114</b>	<b>3.8</b>	<b>5,875</b>	<b>97.8</b>	<b>130</b>	<b>2.2</b>	<b>5,598</b>	<b>93.2</b>	<b>407</b>	<b>6.8</b>
Alaska	49	218	96.5	8	3.5	49	100.0	0	0.0	42	85.7	7	14.3
Arizona	1,729	8,404	99.2	71	0.8	1,728	99.9	1	0.1	1,685	97.5	44	2.5
California													
Central	661	2,499	77.7	718	22.3	557	84.3	104	15.7	404	61.1	257	38.9
Eastern	455	2,213	99.6	9	0.4	454	99.8	1	0.2	453	99.6	2	0.4
Northern	285	1,330	97.5	34	2.5	284	99.6	1	0.4	280	98.2	5	1.8
Southern	1,235	5,791	96.6	201	3.4	1,216	98.5	19	1.5	1,160	93.9	75	6.1
Guam	18	86	97.7	2	2.3	17	94.4	1	5.6	17	94.4	1	5.6
Hawaii	170	767	97.1	23	2.9	170	100.0	0	0.0	166	97.6	4	2.4
Idaho	115	559	99.1	5	0.9	114	99.1	1	0.9	114	99.1	1	0.9
Montana	174	829	98.9	9	1.1	174	100.0	0	0.0	168	96.6	6	3.4
Nevada	334	1,608	99.4	10	0.6	333	99.7	1	0.3	332	99.4	2	0.6
Northern Mariana Islands	9	41	100.0	0	0.0	9	100.0	0	0.0	9	100.0	0	0.0
Oregon	214	1,043	99.4	6	0.6	213	99.5	1	0.5	211	98.6	3	1.4
Washington													
Eastern	184	863	98.6	12	1.4	184	100.0	0	0.0	184	100.0	0	0.0
Western	373	1,807	99.7	6	0.3	373	100.0	0	0.0	373	100.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>2,739</b>	<b>12,867</b>	<b>98.9</b>	<b>147</b>	<b>1.1</b>	<b>2,737</b>	<b>99.9</b>	<b>2</b>	<b>0.1</b>	<b>2,691</b>	<b>98.2</b>	<b>48</b>	<b>1.8</b>
Colorado	259	1,257	98.7	16	1.3	259	100.0	0	0.0	251	96.9	8	3.1
Kansas	361	1,766	99.5	8	0.5	361	100.0	0	0.0	359	99.4	2	0.6
New Mexico	1,175	5,419	99.2	45	0.8	1,173	99.8	2	0.2	1,171	99.7	4	0.3
Oklahoma													
Eastern	44	190	97.9	4	2.1	44	100.0	0	0.0	44	100.0	0	0.0
Northern	119	555	99.3	4	0.7	119	100.0	0	0.0	119	100.0	0	0.0
Western	162	686	91.1	67	8.9	162	100.0	0	0.0	129	79.6	33	20.4
Utah	456	2,213	99.9	2	0.1	456	100.0	0	0.0	455	99.8	1	0.2
Wyoming	163	781	99.9	1	0.1	163	100.0	0	0.0	163	100.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>3,461</b>	<b>15,851</b>	<b>98.5</b>	<b>238</b>	<b>1.5</b>	<b>3,458</b>	<b>99.9</b>	<b>3</b>	<b>0.1</b>	<b>3,364</b>	<b>97.2</b>	<b>97</b>	<b>2.8</b>
Alabama													
Middle	115	559	99.8	1	0.2	115	100.0	0	0.0	115	100.0	0	0.0
Northern	253	1,196	99.3	8	0.7	253	100.0	0	0.0	251	99.2	2	0.8
Southern	151	717	99.9	1	0.1	151	100.0	0	0.0	151	100.0	0	0.0
Florida													
Middle	891	4,102	98.6	58	1.4	891	100.0	0	0.0	891	100.0	0	0.0
Northern	219	1,006	98.7	13	1.3	219	100.0	0	0.0	210	95.9	9	4.1
Southern	1,070	4,866	97.9	103	2.1	1,068	99.8	2	0.2	1,013	94.7	57	5.3
Georgia													
Middle	226	973	96.0	41	4.0	226	100.0	0	0.0	197	87.2	29	12.8
Northern	273	1,317	99.8	2	0.2	273	100.0	0	0.0	273	100.0	0	0.0
Southern	263	1,115	99.0	11	1.0	262	99.6	1	0.4	263	100.0	0	0.0

Table 26 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>5,167</b>	<b>87.0</b>	<b>216</b>	<b>3.6</b>	<b>553</b>	<b>9.3</b>	<b>5,823</b>	<b>97.0</b>	<b>182</b>	<b>3.0</b>	<b>5,595</b>	<b>93.2</b>	<b>179</b>	<b>3.0</b>	<b>231</b>	<b>3.8</b>
Alaska	32	66.7	0	0.0	16	33.3	49	100.0	0	0.0	46	93.9	1	2.0	2	4.1
Arizona	1,574	92.0	12	0.7	125	7.3	1,723	99.7	6	0.3	1,694	98.0	8	0.5	27	1.6
California																
Central	443	68.6	142	22.0	61	9.4	540	81.7	121	18.3	555	84.0	94	14.2	12	1.8
Eastern	399	88.3	3	0.7	50	11.1	453	99.6	2	0.4	454	99.8	1	0.2	0	0.0
Northern	242	86.7	7	2.5	30	10.8	272	95.4	13	4.6	252	88.4	8	2.8	25	8.8
Southern	1,121	91.6	17	1.4	86	7.0	1,203	97.4	32	2.6	1,091	88.3	58	4.7	86	7.0
Guam	16	88.9	0	0.0	2	11.1	18	100.0	0	0.0	18	100.0	0	0.0	0	0.0
Hawaii	111	66.9	9	5.4	46	27.7	166	97.6	4	2.4	154	90.6	6	3.5	10	5.9
Idaho	102	88.7	3	2.6	10	8.7	115	100.0	0	0.0	114	99.1	0	0.0	1	0.9
Montana	141	81.5	1	0.6	31	17.9	173	99.4	1	0.6	173	99.4	1	0.6	0	0.0
Nevada	290	87.1	7	2.1	36	10.8	334	100.0	0	0.0	319	95.5	0	0.0	15	4.5
Northern Mariana Islands	5	55.6	0	0.0	4	44.4	9	100.0	0	0.0	9	100.0	0	0.0	0	0.0
Oregon	202	94.8	0	0.0	11	5.2	213	99.5	1	0.5	204	95.3	1	0.5	9	4.2
Washington																
Eastern	135	75.0	9	5.0	36	20.0	182	98.9	2	1.1	178	96.7	1	0.5	5	2.7
Western	354	95.9	6	1.6	9	2.4	373	100.0	0	0.0	334	89.5	0	0.0	39	10.5
<b>TENTH CIRCUIT</b>	<b>2,064</b>	<b>76.5</b>	<b>59</b>	<b>2.2</b>	<b>576</b>	<b>21.3</b>	<b>2,724</b>	<b>99.5</b>	<b>15</b>	<b>0.5</b>	<b>2,651</b>	<b>96.8</b>	<b>23</b>	<b>0.8</b>	<b>65</b>	<b>2.4</b>
Colorado	242	93.4	4	1.5	13	5.0	256	98.8	3	1.2	249	96.1	1	0.4	9	3.5
Kansas	326	90.3	4	1.1	31	8.6	360	99.7	1	0.3	360	99.7	1	0.3	0	0.0
New Mexico	737	63.6	29	2.5	392	33.9	1,166	99.2	9	0.8	1,172	99.7	1	0.1	2	0.2
Oklahoma																
Eastern	14	31.8	4	9.1	26	59.1	44	100.0	0	0.0	44	100.0	0	0.0	0	0.0
Northern	80	67.2	3	2.5	36	30.3	119	100.0	0	0.0	118	99.2	1	0.8	0	0.0
Western	105	69.1	13	8.6	34	22.4	160	98.8	2	1.2	130	80.2	19	11.7	13	8.0
Utah	426	95.5	1	0.2	19	4.3	456	100.0	0	0.0	420	92.1	0	0.0	36	7.9
Wyoming	134	83.8	1	0.6	25	15.6	163	100.0	0	0.0	158	96.9	0	0.0	5	3.1
<b>ELEVENTH CIRCUIT</b>	<b>2,379</b>	<b>72.5</b>	<b>71</b>	<b>2.2</b>	<b>832</b>	<b>25.4</b>	<b>3,430</b>	<b>99.1</b>	<b>31</b>	<b>0.9</b>	<b>3,220</b>	<b>93.0</b>	<b>36</b>	<b>1.0</b>	<b>205</b>	<b>5.9</b>
Alabama																
Middle	101	87.8	0	0.0	14	12.2	114	99.1	1	0.9	114	99.1	0	0.0	1	0.9
Northern	197	79.8	4	1.6	46	18.6	252	99.6	1	0.4	243	96.0	1	0.4	9	3.6
Southern	118	80.8	0	0.0	28	19.2	151	100.0	0	0.0	146	96.7	1	0.7	4	2.6
Florida																
Middle	581	66.1	15	1.7	283	32.2	868	97.4	23	2.6	871	97.8	20	2.2	0	0.0
Northern	142	65.1	3	1.4	73	33.5	219	100.0	0	0.0	216	98.6	1	0.5	2	0.9
Southern	706	69.6	34	3.4	274	27.0	1,066	99.6	4	0.4	1,013	94.7	6	0.6	51	4.8
Georgia																
Middle	144	75.0	5	2.6	43	22.4	225	99.6	1	0.4	181	80.1	6	2.7	39	17.3
Northern	227	83.2	2	0.7	44	16.1	273	100.0	0	0.0	271	99.3	0	0.0	2	0.7
Southern	163	82.3	8	4.0	27	13.6	262	99.6	1	0.4	165	62.7	1	0.4	97	36.9

<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.<sup>2</sup>The figures presented in this table regarding plea agreement submission exclude from the analysis 569 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Table 27

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM  
IN EACH CIRCUIT AND DISTRICT  
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>TOTAL</b>	<b>33,335</b>	<b>28,123</b>	<b>84.4</b>	<b>4,385</b>	<b>13.2</b>	<b>827</b>	<b>2.5</b>
<b>D.C. CIRCUIT</b>	<b>272</b>	<b>254</b>	<b>93.4</b>	<b>18</b>	<b>6.6</b>	<b>0</b>	<b>0.0</b>
District of Columbia	272	254	93.4	18	6.6	0	0.0
<b>FIRST CIRCUIT</b>	<b>909</b>	<b>893</b>	<b>98.2</b>	<b>9</b>	<b>1.0</b>	<b>7</b>	<b>0.8</b>
Maine	88	86	97.7	2	2.3	0	0.0
Massachusetts	302	296	98.0	5	1.7	1	0.3
New Hampshire	99	97	98.0	1	1.0	1	1.0
Puerto Rico	363	361	99.4	1	0.3	1	0.3
Rhode Island	57	53	93.0	0	0.0	4	7.0
<b>SECOND CIRCUIT</b>	<b>2,040</b>	<b>1,846</b>	<b>90.5</b>	<b>187</b>	<b>9.2</b>	<b>7</b>	<b>0.3</b>
Connecticut	173	172	99.4	1	0.6	0	0.0
New York							
Eastern	495	351	70.9	144	29.1	0	0.0
Northern	199	195	98.0	1	0.5	3	1.5
Southern	714	672	94.1	40	5.6	2	0.3
Western	377	374	99.2	1	0.3	2	0.5
Vermont	82	82	100.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>1,386</b>	<b>1,011</b>	<b>72.9</b>	<b>360</b>	<b>26.0</b>	<b>15</b>	<b>1.1</b>
Delaware	33	33	100.0	0	0.0	0	0.0
New Jersey	442	92	20.8	346	78.3	4	0.9
Pennsylvania							
Eastern	344	324	94.2	9	2.6	11	3.2
Middle	267	265	99.3	2	0.7	0	0.0
Western	255	252	98.8	3	1.2	0	0.0
Virgin Islands	45	45	100.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>2,973</b>	<b>2,266</b>	<b>76.2</b>	<b>561</b>	<b>18.9</b>	<b>146</b>	<b>4.9</b>
Maryland	338	302	89.3	25	7.4	11	3.3
North Carolina							
Eastern	273	263	96.3	8	2.9	2	0.7
Middle	217	215	99.1	2	0.9	0	0.0
Western	257	246	95.7	9	3.5	2	0.8
South Carolina	558	553	99.1	1	0.2	4	0.7
Virginia							
Eastern	734	118	16.1	493	67.2	123	16.8
Western	300	298	99.3	0	0.0	2	0.7
West Virginia							
Northern	151	142	94.0	8	5.3	1	0.7
Southern	145	129	89.0	15	10.3	1	0.7

Table 27 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>7,177</b>	<b>5,515</b>	<b>76.8</b>	<b>1,618</b>	<b>22.5</b>	<b>44</b>	<b>0.6</b>
Louisiana							
Eastern	186	179	96.2	3	1.6	4	2.2
Middle	74	74	100.0	0	0.0	0	0.0
Western	230	211	91.7	18	7.8	1	0.4
Mississippi							
Northern	84	83	98.8	0	0.0	1	1.2
Southern	206	200	97.1	4	1.9	2	1.0
Texas							
Eastern	550	538	97.8	12	2.2	0	0.0
Northern	488	478	98.0	5	1.0	5	1.0
Southern	2,752	2,744	99.7	5	0.2	3	0.1
Western	2,607	1,008	38.7	1,571	60.3	28	1.1
<b>SIXTH CIRCUIT</b>	<b>2,530</b>	<b>2,107</b>	<b>83.3</b>	<b>379</b>	<b>15.0</b>	<b>44</b>	<b>1.7</b>
Kentucky							
Eastern	317	312	98.4	3	0.9	2	0.6
Western	209	195	93.3	0	0.0	14	6.7
Michigan							
Eastern	384	138	35.9	245	63.8	1	0.3
Western	217	206	94.9	8	3.7	3	1.4
Ohio							
Northern	451	446	98.9	3	0.7	2	0.4
Southern	270	212	78.5	50	18.5	8	3.0
Tennessee							
Eastern	307	303	98.7	2	0.7	2	0.7
Middle	125	51	40.8	62	49.6	12	9.6
Western	250	244	97.6	6	2.4	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>1,413</b>	<b>1,052</b>	<b>74.5</b>	<b>351</b>	<b>24.8</b>	<b>10</b>	<b>0.7</b>
Illinois							
Central	175	172	98.3	3	1.7	0	0.0
Northern	333	91	27.3	233	70.0	9	2.7
Southern	185	185	100.0	0	0.0	0	0.0
Indiana							
Northern	231	211	91.3	20	8.7	0	0.0
Southern	157	156	99.4	1	0.6	0	0.0
Wisconsin							
Eastern	236	183	77.5	53	22.5	0	0.0
Western	96	54	56.3	41	42.7	1	1.0
<b>EIGHTH CIRCUIT</b>	<b>2,430</b>	<b>2,034</b>	<b>83.7</b>	<b>383</b>	<b>15.8</b>	<b>13</b>	<b>0.5</b>
Arkansas							
Eastern	143	140	97.9	3	2.1	0	0.0
Western	90	86	95.6	4	4.4	0	0.0
Iowa							
Northern	252	251	99.6	1	0.4	0	0.0
Southern	130	127	97.7	2	1.5	1	0.8
Minnesota	262	194	74.0	66	25.2	2	0.8
Missouri							
Eastern	486	455	93.6	25	5.1	6	1.2
Western	393	111	28.2	280	71.2	2	0.5
Nebraska	357	356	99.7	0	0.0	1	0.3
North Dakota	88	87	98.9	1	1.1	0	0.0
South Dakota	229	227	99.1	1	0.4	1	0.4

Table 27 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>6,005</b>	<b>5,227</b>	<b>87.0</b>	<b>376</b>	<b>6.3</b>	<b>402</b>	<b>6.7</b>
Alaska	49	42	85.7	0	0.0	7	14.3
Arizona	1,729	1,515	87.6	172	9.9	42	2.4
California							
Central	661	392	59.3	13	2.0	256	38.7
Eastern	455	449	98.7	5	1.1	1	0.2
Northern	285	273	95.8	7	2.5	5	1.8
Southern	1,235	1,151	93.2	9	0.7	75	6.1
Guam	18	17	94.4	0	0.0	1	5.6
Hawaii	170	153	90.0	13	7.6	4	2.4
Idaho	115	113	98.3	1	0.9	1	0.9
Montana	174	168	96.6	0	0.0	6	3.4
Nevada	334	333	99.7	0	0.0	1	0.3
Northern Mariana Islands	9	9	100.0	0	0.0	0	0.0
Oregon	214	66	30.8	145	67.8	3	1.4
Washington							
Eastern	184	178	96.7	6	3.3	0	0.0
Western	373	368	98.7	5	1.3	0	0.0
<b>TENTH CIRCUIT</b>	<b>2,739</b>	<b>2,637</b>	<b>96.3</b>	<b>60</b>	<b>2.2</b>	<b>42</b>	<b>1.5</b>
Colorado	259	240	92.7	16	6.2	3	1.2
Kansas	361	358	99.2	1	0.3	2	0.6
New Mexico	1,175	1,168	99.4	3	0.3	4	0.3
Oklahoma							
Eastern	44	44	100.0	0	0.0	0	0.0
Northern	119	119	100.0	0	0.0	0	0.0
Western	162	113	69.8	16	9.9	33	20.4
Utah	456	433	95.0	23	5.0	0	0.0
Wyoming	163	162	99.4	1	0.6	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>3,461</b>	<b>3,281</b>	<b>94.8</b>	<b>83</b>	<b>2.4</b>	<b>97</b>	<b>2.8</b>
Alabama							
Middle	115	114	99.1	1	0.9	0	0.0
Northern	253	251	99.2	0	0.0	2	0.8
Southern	151	145	96.0	6	4.0	0	0.0
Florida							
Middle	891	883	99.1	8	0.9	0	0.0
Northern	219	209	95.4	1	0.5	9	4.1
Southern	1,070	1,005	93.9	8	0.7	57	5.3
Georgia							
Middle	226	158	69.9	39	17.3	29	12.8
Northern	273	253	92.7	20	7.3	0	0.0
Southern	263	263	100.0	0	0.0	0	0.0

<sup>1</sup>Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05) to the Commission. Only cases in which all four pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

<sup>2</sup>Cases are included in this category for one or more of the following reasons: one or more pages of Form AO 245B (Revision 06/05) were missing; deletions or substantive changes were made in Form AO 245B (Revision 06/05) that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created or modified form was submitted.

# Appendix A

## Descriptions of Datafiles and Variables

### **Introduction**

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

### **Variables**

The following section describes the variables used in this report.

#### **Above Guideline Range With *Booker*/18 U.S.C. § 3553**

*Above Guideline Range with Booker/18 U.S.C. § 3553* consist of cases sentenced above the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

#### **Age**

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the Pre-sentence Report and the date of sentencing as reported in the Judgment of Conviction order.

#### **All Remaining Cases Above Guideline Range**

*All Remaining Cases Above Guideline Range* consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

#### **All Remaining Cases Below Guideline Range**

*All Remaining Cases Below Guideline Range* consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

#### **Average Sentence Length**

Using sentencing information obtained from the Judgment of Conviction order, *Average Sentence Length* is reported as the mean and median terms of imprisonment (including any months of alternative confinement as defined in §5C1.1) ordered for cases committed to the Bureau of Prisons. Cases that receive no term of imprisonment (i.e. probation) are also included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which

the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

### **Below Guideline Range With *Booker*/18 U.S.C. § 3553**

*Below Guideline Range with Booker/18 U.S.C. § 3553* consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

### **Circuit**

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

### **Citizenship Status**

Information on the *Citizenship Status* of offenders is obtained from the Presentence Report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

### **Degree of Decrease**

*Degree of Decrease* is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) and the guideline minimum for the following categories of below range cases: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, §5K1.1 substantial assistance cases, and §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences, and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

### **Degree of Increase**

*Degree of Increase* is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) for the following categories of above range cases: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

### **District**

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment of Conviction order.

### **Document Submission Rates**

Five documents are represented in the document submission rate table: Judgment of Conviction order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded

from the Plea Agreement totals.

### **Downward Departure From Guideline Range**

*Downward Departure from Guideline Range* consist of cases with downward departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

### **Downward Departure With Booker/18 U.S.C. § 3553**

*Downward Departure with Booker/18 U.S.C. § 3553* consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

### **Drug Offense Guideline**

*Drug Offense Guideline* information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (§2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

### **Drug Type**

Information on *Drug Type* is obtained from the Judgment of Conviction order or the Presentence Report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “ICE”, methamphetamine mixture, and methamphetamine precursors (specifically including ephedrine and pseudoephedrine). (“ICE” has been included in the methamphetamine category since FY1996). All drug types not listed separately in this report are collapsed into the “other” drug category.

### **Education**

Information on education of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

### **Gender**

*Gender* of the offender is obtained from the Presentence Report or probation office.

### **Government Sponsored**

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03 and 06/05 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this

category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

### **Guideline Offenders Sentenced**

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

### **Guideline Sentencing Range**

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the Pre-sentence Report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

### **Mode of Conviction**

Information on *Mode of Conviction* is obtained from the Judgment of Conviction order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

### **Outside of the Range Attribution Categories**

All categories replicate the list of checkboxes available on the SOR Form AO245B (Both 12/03 and 06/05). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a §5K1.1, §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally other types of SOR forms may indicate sponsorship in writing and these attributions are also included in the appropriate category.

### **Position of Sentence**

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

## **Primary Offense Category**

Information on *Primary Offense Category* is obtained from the Judgment of Conviction order. The “primary” offense code for the case is determined to be the offense code applicable for the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

*Murder* includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

*Manslaughter* includes both involuntary and voluntary manslaughter.

*Kidnapping/Hostage* includes ransom taking and hostage/kidnapping.

*Sexual Abuse* includes sexual abuse of a minor, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

*Assault* includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

*Robbery* includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

*Arson* also includes damage by explosives.

*Drugs: Trafficking* includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

*Drugs: Communication Facility* includes use of a communication facility in a drug trafficking offense.

*Drugs: Simple Possession* includes distribution of a small amount of marijuana and simple possession.

*Firearms* includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

*Burglary/Breaking & Entering* includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

*Auto Theft* includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

*Larceny* includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

*Fraud* includes odometer laws and regulations, insider trading, and fraud and deceit.

*Embezzlement* includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

*Forgery/Counterfeiting* includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

*Bribery* includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

*Tax Offenses* include receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggle); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

*Money Laundering* includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

*Extortion/Racketeering* includes extortionate extension of credit, blackmail, extortion by force or treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

*Gambling/Lottery* includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

*Civil Rights* includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

*Immigration* includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering

U.S.

*Pornography, Prostitution* includes dealing in obscene matter, transportation of minor for prostitution/sex, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography.

*Offenses In Prisons* includes contraband in prisons, riots in federal facilities, and escape.

*Administration of Justice* includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

*Environmental/Fish And Wildlife* includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

*National Defense* includes evasion of export controls and exportation of arms, etc., without license.

*Antitrust* includes bid-rigging, price-fixing, and market allocation agreement.

*Food and Drug* includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

*Other Miscellaneous Offenses* includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

## **Race**

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*). Ethnicity data indicate whether a offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of

racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

### **Type of Guideline Sentence Imposed**

Using sentencing information obtained from the Judgment of Conviction order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

*Probation and Confinement* includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

### **Upward Departure From Guideline Range**

*Upward Departure from Guideline Range* consist of cases with upward departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

### **Upward Departure With *Booker*/18 U.S.C. § 3553**

*Upward Departure with Booker/18 U.S.C. § 3553* consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

### **Year**

Information on Year is obtained from the Judgment of Conviction order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

## **Zone**

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include: probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones.

*Zone A:* a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

*Zone B:* a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

*Zone C:* a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

*Zone D:* a guideline range is in Zone D when the minimum term of imprisonment specified is twelve months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

**Appendix B:**  
**List of Quarterly Report Tables and Figures**  
**and Comparable FY06 *Sourcebook* Number/Letter**

<u>Quarterly Report Tables/Figures</u>	<u>Comperable <i>Sourcebook</i> Tables/Figures</u>
Table 1 .....	Table N
Table 2 .....	Table 26
Table 3 .....	Table 27
Figure A .....	N/A
Figure B .....	N/A
Table 4 .....	Table 28
Table 5 .....	Table 28A
Table 6 .....	Table 30
Table 7 .....	Table 30A
Table 8 .....	Table 31
Table 9 .....	Table 31A
Table 10 .....	Table 31B
Table 11 .....	Table 31C
Table 12 .....	Table 31D
Table 13 .....	Table 32
Table 14 .....	Table 32A
Table 15 .....	Table 32B
Table 16 .....	Table 32C
Table 17 .....	Table 15
Table 18 .....	Table 13
Figure C .....	N/A
Figure D .....	N/A
Figure E .....	N/A
Figure F .....	N/A
Figure G .....	N/A
Figure H .....	N/A
Figure I .....	N/A
Table 19 .....	Table 29
Figure J .....	Figure A
Table 20 .....	Table 3
Table 21 .....	Table 11
Table 22 .....	Table 4
Table 23 .....	Table 5
Table 24 .....	Table 7
Table 25 .....	Table 9

Table 26 .....	Tables 1
Table 27 .....	N/A